OUR NATIONAL INSTITUTIONS

MACMILLAN AND CO., LIMITED
LONDON · BOMBAY · CALCUTTA · MADRAS
MELBOURNE

THE MACMILLAN COMPANY
NEW YORK · BOSTON · CHICAGO
DALLAS · SAN FRANCISCO

THE MACMILLAN CO. OF CANADA, LTD.
TORONTO

OUR

NATIONAL INSTITUTIONS

A SHORT SKETCH FOR SCHOOLS

BY

ANNA BUCKLAND

"Consider what nation it is whereof ye are, a nation not beneath the reach of any point the highest that human capacity can soar to."

MILTON'S *Areopagitica*.

"A land of settled government,
A land of just and old renown,
Where Freedom broadens slowly down
From precedent to precedent."

TENNYSON.

MACMILLAN AND CO., LIMITED
ST. MARTIN'S STREET, LONDON

1920

PREFACE

THE purpose of this little book is to provide for schools a simple outline of the rise, expansion, and present form of those National Institutions, of which all English children are already the heirs-apparent; for it is the peculiarity of our state and laws that they are not the crystallised scheme or code of any one monarch or lawgiver, but the outcome of the thought and energies of a free people, conscious of right and duty, and seeking to provide for its own defence and good order. We recognise in our National Institutions a genuine purpose to uphold these, combined with a wonderful elasticity of form; and these two characters create for each new generation, as it arises, the double responsibility of a watchful conservation, on the one hand, with a liberal readiness, on the other, to modify and adapt, according to the changing conditions of the nation.

But because the Institutions of England are the outcome and heritage of the nation itself, it is of the highest importance that their meaning and working should be clearly understood by the younger members

before they enter upon their political responsibilities, for neither enlightened conservation nor fitting reform can be conscientiously carried on in England if the people themselves have but ignorant or vague misconceptions of those great bulwarks of liberty and order of which they have to be both the guardians and perfectors.

For the information given in the following pages I am greatly indebted to Messrs. Macmillan's valuable series "The English Citizen," and to these volumes teachers and other readers are referred for a fuller knowledge of matters only briefly sketched here. Grateful acknowledgments are also due to the Rev. H. G. Tomkins; Mr. H. M. Bompas, Q.C.; and Sir J. G. Fitch, H.M. Inspector of Training Colleges, for kindly revising different sections of this little work.

ANNA BUCKLAND.

West Heath,
Ham Common, S.W.

CONTENTS

THE ENGLISH CONSTITUTION.

ALL civilised countries have some form of government, by means of which life and property are protected, and laws are made for the order and progress of the nation. Government consists of two divisions—the making of laws, which is called the Legislative; and the carrying of them out, which is called the Executive. For both of these *authority* is required; and that is derived from a general agreement of the nation to endow a certain person or persons with superior power or sovereignty; and to yield to the person or persons holding such power a portion of individual liberty, or obedience.

Government—Legislative and Executive

The aim of good government is to secure the protection and progress of all classes of the community, with the smallest restrictions on individual freedom.

Government may be carried on under different forms: the three principal now found in Europe are:—

Different Forms of Government.

I. The personal rule of the Sovereign, under which one Ruler's will is the supreme power.

II. A Constitutional Government, in which the

Ruler is the nominal head, but is guided and limited in his actions by a body of laws and customs called the Constitution. The supreme power in this case is carefully balanced between the Ruler and the representatives of the people.

III. A Republic, in which the supreme power is held to lie with the vote of the people, as in a Democracy; or with some particular class, such as the nobles, as in an Oligarchy.

The Government of England has been carried on from the earliest times by a limited and constitutional Monarchy. There is no precise date at which that mass of laws and customs which we talk of as the Constitution were first drawn up and recognised as the conditions upon which the Sovereign of England holds his position as head of the English State. Many of these came into this country with our Saxon forefathers, and were held as sacred rights throughout the reigns of our first English Kings. The limited and constitutional character of the older English Monarchy is shown in the way in which the supreme power was balanced between the King, his Witan or wise men, and the Folk or freemen of the tribe; and the following description of our English Government such as it was a thousand years ago might serve, with little alteration, for a definition of the relation now existing between King George and the people of England:—"The King, who crowns the fabric of the State, is neither a mere ornamental appendage nor a ruler after the Imperial model. He is not the supreme landowner; for he cannot, without consent of the Witan, add a portion of the public land to his own demesne. He requires

Government of England—the Constitution.

Saxon Monarchy.

their consent for legislation or taxation, for the exercise of jurisdiction, for the determination of war and peace. He is elected by them, and liable to be deposed by them. He cannot settle the succession to the Throne without their sanction. He is not the fountain of justice, which has always been administered in the local courts; he is the defender of the public peace, not the autocratic maintainer of the rights of subjects, deriving all their rights from him. But, notwithstanding, he is the representative of the unity and dignity and of the historical career of the race, the unquestioned leader of the host, the supreme judge of ultimate resort. The national officers are his officers; the sheriffs are his stewards; the bishops, ealdormen, and Witan are his bishops, ealdormen, and Witan. The public peace is his peace; the sanction which makes him inviolable and secure is not the simple toleration of his people, but the character impressed on him by unction and coronation, and acknowledged by himself in the promises he has made to govern well and maintain religion, peace, and justice." [1]

At the Norman Conquest, the personal rule of William strengthened Feudal ideas, which tended to look at the King as the proprietor of the country rather than the head of the nation; but the old laws and rights were never forgotten or allowed to die out of mind, and on his coronation Henry I. granted a charter, in which he undertook to govern well and to restore the laws of King Edward. His successor Stephen granted another when he became king, and Henry II. is said to have issued some kind of promise to the same end. In

Charter of Henry I.

[1] Stubbs's *Constitutional History of England*, vol. i. p. 158.

the reign of John was drawn up that *great charter* which is still binding on the Sovereign, and setting forth, in writing, these ancient constitutional rights which had been regarded from the earliest times as the conditions of Kingship in England. "The great charter, although drawn up in the form of a Royal grant, was really a treaty between the King and his subjects; it was framed upon a series of articles drawn up by them, and it was on the understanding that the King observed these that he was to retain the allegiance of the nation. The whole history of the English Constitution becomes from henceforth little more than a commentary on Magna Charta."[1]

Magna Charta.

The great principle of a Constitutional Government here appears, viz. an understanding between the Sovereign and the people that the allegiance of the nation to the King rests on the allegiance of the King to the laws. The principal clauses in Magna Charta which express the terms of the Constitution of England are those declaring that the consent of the[2] Great Council was necessary to make laws and grant taxes, and that the rights of the Church should be free. These were not new rights or privileges; they were contained in the Constitution according to which the older English Kings ruled; but they were now clearly set down in writing, and were agreed to by successive Sovereigns as the conditions upon which they held their crown.

Under the Tudors, although the old forms of

[1] Stubbs's *Constitutional History of England*, vol. i. p. 572.

[2] The Great Council of the Normans consisted of all the great officers and churchmen, and all the tenants holding land directly of the King.

Government kept their place, the balance of supreme power was in a certain measure shaken, for the Upper House had declined in power and number, and the Commons, though rising, had not attained their later strength. The rule of the Sovereign, therefore, became more personal. The Stuarts openly asserted the will of the Sovereign to be above the Constitution, and professed to derive their right to govern England through an authority given them directly from God, independently of the old recognised ground of kingship, resting on the mutual relation between the Sovereign and the nation. This attempt to overthrow the Constitution caused a struggle, in which the Throne fell, and it was not until the accession of William III. that a constitutional monarchy was again firmly established in England. The Parliament of the nation now asserted its old right of choosing a Sovereign, and settling again the treaty upon which he was to receive the lawful allegiance of his subjects. The Bill of Rights was drawn up as the conditions upon which William was offered the Crown. This second great charter of the Constitution again asserted the ancient laws of England under which the Sovereign ruled, and clearly defined the prerogatives of the Crown. The chief constitutional clauses were—That the law is above the will of the Sovereign, and no monarch of England has any power to dispense with a law, or set it aside; that no money can be raised by the Sovereign without the consent of Parliament; that keeping a standing army in time of peace is illegal, except with consent of Parliament; all debates in Parliament are to be free; provision was made also for the frequent calling and assembling of Parlia-

Bill of Rights.

ment; no royal heir who is a Papist can succeed to the Throne.

Magna Charta and the Bill of Rights define the limits of the Sovereign's power, and are the basis on which the Throne rests. They rule the Sovereign herself in all her public acts.

THE SOVEREIGN.

The Sovereign of England is the head of the Government, both *legislative* and *executive;* the head of the Army, Navy, and Civil Service; the head of the Anglican Church. In connection with all these offices the King possesses certain rights, called the prerogatives or special privileges of the Crown.

Prerogatives of the Crown.

The Sovereign summons, prorogues, and dissolves Parliament; and although he cannot make a law, no bill, passed by both Houses of Parliament, can become law without his assent.

In executive matters all criminals are prosecuted in his name, and their crimes are described as offences against "the peace of our lord the King, his Crown and dignity;" the Court which tries them represents the Sovereign sitting in judgment; the judges are appointed in his name; and he is able to stop the proceedings against a prisoner at any stage; and to pardon a criminal who has been declared guilty by a jury, and sentenced by a judge.

In theory the Sovereign alone can declare war, make peace, or enter into a treaty with foreign

powers; and he alone confers decorations and distinctions on his subjects, grants commissions to officers, and creates peers, or bestows knighthood.

As the head of the English Church, he summons and dissolves Convocation, as the assembly of the clergy of the Church of England is called; and no measure passed by it can take effect without his assent and that of Parliament. He appoints bishops and deans of cathedrals.

But while he holds these rights his public acts are always performed through some particular Minister, who is responsible to the nation, as an adviser of the Crown, for all the measures taken by the Sovereign through him, the Sovereign himself not being held personally responsible, for he is supposed only to act through and by the advice of his ministers. No Act of Parliament, or any law, takes effect on the Sovereign, unless, as in the Bill of Rights, it is enacted for the special purpose of defining the rights or limitations of royal power. The Constitution, by which the rights of the people are secured, renders this country one of the freest and, at the same time, most law-abiding of all the countries of the world.

The present monarchy of England is an elective monarchy. By the Act of Settlement of 1701, the succession to the Crown was fixed on the Electress Sophia of Hanover and her heirs, being Protestants. The sons of the Sovereign and their heirs come before the daughters and their heirs; but the daughters of an elder brother succeed before the sons of a younger brother. Thus Queen Victoria was the daughter of the Duke of

Succession.

Kent; the next in succession to his brother William IV., but who died before the King.

From the earliest times the King or Queen of England has been required at coronation to take an oath to govern according to the constitution; to maintain the laws and customs of the realm, and see that all men have equal and right justice, and to take care of the freedom of the National Church.

Coronation Oath.

The income of the Sovereign was formerly derived from lands held by him, and he also received into his treasury sums of money voted by Parliament for the public revenue, and raised by taxes from the people. The whole of this public revenue, and the income of the Crown lands also, are now paid into the public Exchequer, as one common fund called the "Consolidated Fund," out of which all the national expenses of government, army and navy, etc., are paid. From this fund it was agreed by Parliament at the beginning of his reign that the King should receive every year £470,000, which is called the Civil List. Out of it all his personal expenses, the salaries of his attendants, and the support of his households are paid. The Queen receives £33,000 from the Privy Purse. The Crown Lands, it should be remembered, yield to the public revenue yearly the sum of £455,000, so that only £15,000 a year out of the taxes is paid for the cost of the Sovereign.

Royal Income.

Annuities have been granted by Parliament to Queen Alexandra and to other members of the Royal Family; these annuities now amount to a charge of about £146,000 upon the national revenue.

THE HIGH COURT OF PARLIAMENT.

The whole nation is represented in the Government by what is called the "three Estates of the Realm." These are—

The three Estates.

1. The Lords Spiritual, who are a certain number of the Bishops.

2. The Lords Temporal, who are the heads of certain noble families.

3. The Commons, representatives elected by the people.

At the head of these is the Sovereign, and any public action in Parliament involves the combined movement of the Head of the Realm with the whole body.

The Witan.

For the origin and history of the Parliament of England we must again go back more than a thousand years into the past, when our forefathers were doing their best to begin the making of the England of to-day. At the time when the Tribal English Kingdoms existed, each kingdom had its *folk-moot*, or assembly of the people, who held council together with the King and his Wise Men on the affairs of that particular division, and also formed a judicial court. After the small tribal kingdoms were united under one king, the folk-moot was continued as the shire-moot, and the chief Court of each

little tribal kingdom was sunk to a shire or County Court, and a supreme Great Council met for deliberation on the affairs of the whole realm. Like the folk-moot, this was an assembly of all freemen, with the King and his Wise Men. It expressed the action and concurrence of the people in the government of the kingdom. In the Folk-moot and the Great Council we find in the very earliest times the English ideas of combined independence and self-government already expressed, and the thought and energies of the nation are brought to bear upon its laws, its national affairs, and the provision for their maintenance. These assemblies confirmed the succession of each Sovereign, and in some cases chose a monarch out of the line of succession. The Great Councils directed the raising of taxes; deliberated on the making of new laws; and their decisions were enforced by the combined authority of the King and the Witan. In addition to these functions we must notice that the Great Council also formed a Court of Appeal from the decisions of the shire-moots; and a superior court of justice for the trial of greater criminals. As the idea of representation was not yet rightly understood, it was practically impossible for it to maintain its original popular character. Its meetings were usually held at Winchester, Westminster, or Gloucester, and it was difficult for men to travel at that time to any great distance. The higher clergy and the greater nobles, with time and means at their command, were always present, and took chief part in its proceedings, so that later on it became the custom of the King to summon only the bishops and ealdormen and a few of the free tenants from each shire to its meetings, because these

only would be likely to be able to attend; but the old right of all freemen holding of the King to appear in person in the Great Council never became extinct.

The Great Council.

After the Norman Conquest the National Assembly underwent some changes, but the right of Englishmen to deliberate on national affairs and to direct taxation was still retained. The meetings were no longer held so regularly, yet the Norman and Angevin kings respected the ancient right of the English; and now the idea of representation begins to work in the National Council—the Sheriff of each Shire is directed to send up a certain number of freeholders, or royal tenants, to talk with the King. These are chosen by the free votes of their fellows at the Shire-moot or Hustings, as it was called later; their deliberations were carried on in Latin or Norman-French; and they began to be called the Parliament.

The Commons.

In the reign of Henry III. a new class was added to the Great Council. Simon de Montfort, after the battle of Lewes, summoned a Parliament to see to the needful reforms of the realm, and directed the sheriffs to send two burgesses to represent each borough in the kingdom. For some time the *three estates* met in the same house, the Commons only voting their own taxation; but about the middle of the fourteenth century the Commons held separate sittings, and conducted their deliberations as a distinct body. At Westminster the Lords sat in the Painted Chamber, and the Commons in the Chapter House of the Abbey, and later on in St. Stephen's Chapel.

From this point each of the Houses has its own constitution and history.

THE HOUSE OF LORDS.

House of Lords—Composition.

Of the two Houses, that of the Lords has, in its present composition, constitution, and privileges, the nearest resemblance to the Wise Men's Assembly of the early English Kings, and to the Royal Council of the Normans. It is composed of the same two estates of the realm that met in the earlier national assemblies; the right of its members generally is not derived from the newer process of election; and it still has the authority, possessed by the Wise Men in the Great Council, of constituting itself a Court of Judicature.

The number of the peers composing the House of Lords is constantly changing owing to the dying out of old families, or the creation of new peers; just at present the Upper House consists of 655 members, who hold their seats by right of constituting the peerage. There are now—

1. Princes of the Blood, 3.
2. Archbishops and bishops, 26.
3. Peers of Parliament—Dukes, 20; Marquesses, 25; Earls, 126; Viscounts, 47; Barons, 364.
4. Irish and Scottish representative peers, 44.

Spiritual Peers.

The spiritual peers have no hereditary right to their seats, and transmit none. Their number is limited to 26; these include always the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, the Bishop of Durham, and the Bishop of Winchester. The

remaining 21 are those of the bishops having the earliest consecration. If one of these die his place is taken by the next in date, who now becomes a peer. The right of the bishops to their place in the Legislature is derived from the earliest usage; they were always counted among the Wise Men, or Councillors of the King, and were for a long period the best trained and educated members of the national assembly. Belonging themselves generally to the people, and separated by their training from class interests, they were prepared to support the rights of the people against the selfishness of the sovereign or nobles. "Strange as it may seem," Mr. Freeman says, "the bishops are the only class of men who keep their seats in Parliament by the old traditionary right of the English freeman to appear in person in the assembly of his people. They still hold the same seats by the same tenure as when Anselm braved the wrath of Rufus; not for ecclesiastical privilege, but for moral right—as when Stephen Langton read out the charter of Henry I., and wrung its more than renewal from John—as when Edmund could withstand King and Pope alike in the cause of English freedom."

Temporal Peers.

The temporal peerage of England is different from that of all other countries in this respect, that only the head of a particular family is a peer, and has the right to a seat in the House of Lords. His kindred, by whatever titles they may by courtesy be called, are Commoners. They are represented by their votes in the House of Commons; they can be elected as representatives of the people, and can only sit in the House of Commons. Thus when the Marquis of Lorne (afterwards Duke of

Argyll) was the elected representative for South Manchester he was a Commoner, although he was called by courtesy a Marquis. He could not sit in the House of Lords, because his father, the Duke of Argyll, was then alive and sat in the Upper House as representative of the head of the family. Even the Princes of the Royal Family are not always peers by birth. Thus the late Prince Leopold had no seat in Parliament before he was made Duke of Albany. The Royal Princes, however, take no part in politics. The House of Peers is constantly receiving new accessions; and about half the peers who hold their seats by hereditary right have no older titles than 1821, which means that their fathers or grandfathers were originally Commoners. A large number have been themselves Commoners. New peers are generally created from among men who have done some good service to their country. Thus among recent creations we have had Lord Morley, Lord Milner, and Lord Cromer, for service in the State, and Lord Kitchener of Khartoum in the battlefield. The Lord Chancellors are raised to the peerage as well as the Lords of Appeal, and these are always great lawyers.

New Peers.

The Irish and Scotch peers, who have seats in the House of Lords, are not hereditary legislators. They are representatives of their national nobility; the Irish are elected for life by the Irish peerage; the Scotch are elected after each dissolution of Parliament by the Scotch peerage. The three Lords of Appeal in Ordinary are made peers for life; they do not transmit their peerage to their descendants. Their place in the House of Lords belongs to its judicial functions, of which we

Irish and Scotch Peers.

have spoken, as the highest tribunal and Court of Appeal, and this will be explained later on more fully.

All laws relating to peers as peers must be first introduced in the House of Lords; peers can also bring in any measures affecting the government of the country, with two exceptions— Bills for the raising or spending of the public revenue, or bills which touch the constitution of the House of Commons, such as Franchise or Redistribution of Seats Bills. All these must always be introduced in the House of Commons. The House of Lords has the right to discuss and throw out any measure sent up into it from the Commons, and the Commons has the same right in regard to bills passed by the Lords.

Privileges of the House of Lords.

It is, however, provided by the Parliament Act, 1911, that a Money Bill which has been passed by the House of Commons and sent up to the House of Lords at least one month before the end of the session, becomes law a month after being so sent up no matter how it was dealt with by the House of Lords. Also when a bill, which is not a Money Bill, is passed by the House of Commons in three successive sessions (whether of the same Parliament or not), and is rejected by the House of Lords in each of these sessions, it shall nevertheless become law provided that two years have elapsed between the date of its second reading in the first session and its passing in the third session.

Parliament is always opened by the reading of the Royal Speech in the House of Lords; this is done by the King himself, or by the Lord Chancellor, who is the President of the House of Peers.

During the reading of the speech the Commons are summoned to the bar of the House of Lords, preceded by their Speaker. Before the House proceeds to business, the King retires, because all its deliberations are "privileged," and are not to be influenced by the presence of strangers. In accordance with the provision of an Act of Parliament which declares that all sittings of Parliament are to be absolutely free, and its proceedings are not to be questioned by the Sovereign, the space of the floor of the House of Lords, which immediately surrounds the throne, is considered to be not a part of the House of Lords, so that the Sovereign is not in the House when he opens Parliament. The Woolsack, on which the Lord Chancellor sits, being on this space, he has to leave it when he wishes to make a speech in the House.

"Such is the history, and such are the privileges of the House of Lords. The antiquary regards it as the hereditary descendant of the Witena-gemot of our Saxon ancestors; the historian associates it with some of the most memorable scenes of English history; the statesman recollects with gratitude that its members in times past fought the battles of British liberties, and frequently lost their lives in the field or resigned them on the scaffold for the sake of maintaining the freedom of their country."[1]

In spite of the changes which have been made since these words were written their truth cannot be denied. It may be that the future holds in store a further curtailment of the powers possessed by the House of Lords; but whatever may happen, the existence of

[1] Spencer Walpole, *The Electorate and the Legislature.* English Citizen Series.

a second chamber, not dependent on a popular vote, cannot but have many points to recommend it.

THE HOUSE OF COMMONS.

All landed freemen had a right to attend the Folk-moot in the old English times, as we have seen. In Henry the Third's reign the privilege of the people to a share in the Legislature was recognised by Simon de Montfort, and the smaller towns began to send some of their townsmen to Parliament; but it was not until the fourteenth century that the House of Commons had a distinct existence of its own, and entered upon that course of development and growth which makes it to-day the most powerful and influential of our national institutions. It reflects in its history all that is real and noble in the upward progress of the English nation—the growth of the people themselves in knowledge, industry, self-control, and reason; for as these capabilities for self-government descend deeper and deeper, the House of Commons extends its franchise, and opens its doors to a new class of members.

Origin of the House of Commons.

In the first period of its existence as a separate Chamber, it consisted of knights of the shires, or freeholders living in the country, and wealthy burgesses or citizens from the towns. These took little part in the general measures of government, and met chiefly for the purpose of voting supplies.

History.

Under the Tudors the Commons began to rise into greater importance, but it was not till the first Stuarts that they reached their present power. The

temporal peers had become reduced in numbers by the Wars of the Roses, and it was the policy of the Tudor Sovereigns, in carrying out a personal rule, not to increase the number of the nobles. The suppression of the monasteries had also greatly diminished the seats of the spiritual peers, by the loss of the abbots from the Upper House. At the close of the reign of Henry VIII., the House of Lords did not exceed 72 members. The House of Commons in the meantime was not only increasing in numbers, but still more in influence and interest in public affairs. The revival of learning led to the establishment of a large number of public schools, which provided a higher education for the middle classes, and afforded facilities for their entrance into the universities. The son of a country gentleman in the seventeenth century received every advantage of learning and culture attainable at the time. He was sent early to the grammar school of the neighbouring town; at the age of fifteen or sixteen he passed on to the university; after four or five years of study there he was sent with his tutor to travel, and gain intelligence and culture by seeing other countries, and observing the differences in government, laws, customs, and manners. On his return he was often entered as a student at one of the Inns of Court, where he might study the constitution and laws of his own country. Thus prepared, he entered Parliament, with a knowledge of foreign affairs, and of the laws and institutions of England, such as enabled him at once to take his place as an intelligent and patriotic legislator; and it was the presence of a number of such men which raised the House of Commons under the first Stuarts

into the ruling power of the realm, and enabled it to fight the battle of constitutional government against the encroachments of James I. and Charles I.

The importance and influence of the third estate, and the necessity for its joint action in the Legislature, were fully recognised by the early Hanoverian Sovereigns; but whilst government without a Parliament was no longer attempted, a system of corruption was introduced, which made the House of Commons practically nothing more than an instrument of the State, preserving the outward forms of free and representative government, while in reality it only acted as the paid agent of the Ministry in power. To understand how the House of Commons could have sunk into this position, we must look at the changes which had been taking place in England during the close of the seventeenth and the early years of the eighteenth centuries. Corruption.

The great increase and development of manufactures going on at this time had withdrawn a large portion of the population from the old boroughs into new districts around the seats of the new industries. Some of the towns returning members to Parliament had even ceased to exist; Old Sarum was only a mound on the Wiltshire downs, Dunwich returned its two members, although its site lay under the waves of the German ocean; others had fallen into decay, and the few remaining burgesses were ready to sell the seat to the highest bidder. Men who had paid a considerable sum for their position in Parliament were in their turn prepared to sell their votes to the Ministry in power, so that Sir Robert Walpole is said to have made the

infamous assertion of a group of members—"Every one of these men has his price." At the close of the century, in 1793, it was stated that out of the 513 members returned to Parliament by England and Wales, 309 were nominated by the Government, and were simply its paid servants.

In the meantime large towns in the north had sprung into existence, and returned no members to Parliament. Manchester, Birmingham, Leeds, Sheffield, Stockport, with their constantly increasing populations, were wholly unrepresented.

The House of Commons had in this way almost ceased to express the real mind of the people, and most Englishmen had no share in the Legislature.

Lord Chatham saw the necessity for a reform of the House of Commons, and William Pitt, his son, twice attempted to introduce Reform Bills into Parliament; but it was generally as the leader of the Opposition that a statesman called for a reform of the elective system of the House of Commons, and denounced the shameless bribery of the Government. The outbreak of the French Revolution, and the lawless exercise of power by the people in France, tended to create a fear of free institutions, which still further put off the carrying of any effective measure for restoring the representative character of the House of Commons.

Reform.

The question, however, continued to be talked over in the country; but it was not until 1832 that the first Reform Bill was passed, by which the middle classes obtained their ancient right of being heard in the Great Council of the Realm. This bill gave the franchise or right of voting in borough towns to all householders paying

Reform Bill of 1832.

a rent of at least £10 a year; and tenants holding land with a rental of at least £50 a year were now entitled to a vote for the county. A redistribution of seats, or the withdrawal of members from the smaller constituencies to the larger, was also included in the bill; by this many of the old boroughs lost their members, while the large new towns received representatives. Enactments were also made against the sale of seats and against bribery at elections. This Reform Bill remained in force until 1867. During these five-and-thirty years another great change had been taking place in England which called for a further reform of the House of Commons. The bill of 1832 had secured representation to the large body of the middle classes; but great advances had been made during these years in the education of the working class. Schools for the poor had been established, and were receiving Government aid and supervision; cheap books and newspapers were largely circulated among the intelligent workmen of our manufacturing towns; other means of popular culture, such as classes, lectures, and institutes, had been introduced, and by these means the people had reached a degree of intelligence, self-control, and development such as was uncommon among the middle class fifty years before. They watched with keen interest the proceedings of Parliament, and claimed for themselves the right of representation in the Commons; and, with the full sympathy of the larger proportion of those already holding the franchise, the working classes gained it at last by the bill of 1867. This Act secured a vote to any householder of a borough who did not pay less than £4 a year rent. Lodgers

Reform Bill of 1867.

paying as much as £10 a year for their lodgings were now entitled to vote. The county franchise was, at the same time, extended to tenants whose rent was not less than £12 a year, or who held a freehold of the value of 40s. a year, or a copyhold of £5. Further reforms were also carried out in the distribution of seats.

Whilst the changes made in the representation by the Acts of 1832 and 1867 gave representatives to the great manufacturing towns, and whilst the extension of the franchise to £4-a-year-householders made the mass of artisans voters, a number of smaller places were deprived of separate representatives, and the £12-a-year-franchise for the county still shut out the agricultural labourers, who do not often pay more than £4 or £5 a year rental. The last Reform Bills, therefore, of 1885 were designed to remove these disabilities. These are—"The Representation of the People Bill" and the "Redistribution of Seats Bill." Under the former the vote was now extended to all householders and all lodgers who paid rent for their rooms and had occupied them for at least a year. Any man holding land of not less value than £10 was also entitled to a vote for the county. The Redistribution of Seats Bill was necessary in order to secure full representation for the dwellers in country villages and small towns. By it the counties were divided into electoral districts of about equal populations, and those persons who were not represented by any borough member were entitled to vote for the member for the county district on the same qualifications as the inhabitants of the borough. This provided representation for the scattered agricultural population who did not possess

Reforms of 1885.

the qualifications for the county vote. These districts are so arranged as to contain from fifty to sixty thousand inhabitants, and each returns one member. The number of representatives for large towns was increased in something like the same proportion of one member for fifty or sixty thousand electors. Towns with a population of less than 15,000 return no member, but are included in an electoral district; boroughs of over 15,000, but under 50,000, return one member.

Persons not able to vote.

The following persons are not qualified to vote:—Peers, women, foreigners, paupers, outlaws, lunatics, and all men under twenty-one years of age.

Registration.

No person qualified to vote can do so unless his name has been already entered on a list or register. Every year these lists are revised by a barrister appointed for the purpose, and the names of any voters who have become disqualified or have left the place are struck out, and new ones are entered.

Dissolution of Parliament.

A Parliament cannot last for more than five years—it must then go out, and a new House of Commons must be elected; but it often happens that Parliament is dissolved within this time. If the Prime Minister no longer commands a majority of members, supporting his views by their votes in the House of Commons, and Government Bills are thrown out, or a vote of censure be carried against the Ministry—either the Ministry must resign and a new one be formed, or the Ministers may still keep their places while Parliament is dissolved, and a new House of Commons is elected. An appeal is in this way *made to the country on the*

policy of the Government; and if the result of the elections should give a new majority to the Premier in power, the Ministry continues to carry on the Government; should the majority, however, again be against them, the Ministry then resigns. Ministers retain office while Parliament is dissolved and a new House is being elected.

An Election.

When a new House of Commons is to be summoned, a royal order is sent to the Lord Chancellor directing him to send out writs authorising the election of new members. The writs are sent to the "Returning Officer" of each county and borough, these being generally the sheriff of the county and the mayor of a town. Great changes have been made under the Reform Acts in the manner of conducting an election. Formerly the polling lasted for a fortnight or more, and during that time the whole town was given up to riot and drunkenness. Every sort of effort was made to intimidate or bribe the electors; all the inns and public-houses in the town were engaged by one or other of the rival candidates, and in these people might eat and drink at his expense. The members were nominated on an open hustings, exposed to the disturbances of two contending mobs; the votes were given publicly, so that electors had often to fight their way through a crowd of opponents in order to get to the poll and record their votes. The proceedings at Eatanswill, during the memorable visit of Mr. Pickwick to that place, give a very good idea of an election early in the nineteenth century.

We will now endeavour to get an idea of the order of proceedings during an election at the present time, since the passing of the Ballot Act and

other reforms. We will suppose that the Mayor of Cranford, a borough returning one member to Parliament, has received the writ authorising the town to choose its representative in a new House of Commons. The first thing the Mayor does is to appoint a place and time where he will take the names of any gentlemen anxious to sit for Cranford in the coming Parliament, and these names must be given to him within four days after the receipt of the writ. At the appointed time he is at the place fixed upon, when there enter the room four gentlemen. One of these is Mr. Primrose, a Conservative candidate, and the others are three of his supporters, which number alone he is allowed to bring with him. He hands a paper to the Mayor, on which his own name is written, and below it are the names of two of the gentlemen with him as his proposer and seconder; these are followed by the names of eight other electors, who desire to have Mr. Primrose as their representative. If no other candidate should present himself, the Mayor declares Mr. Primrose to be returned as the member for Cranford, and the proceedings are over.

But presently perhaps four other gentlemen come in, the foremost of whom is Mr. Freeman, a Liberal candidate. He presents a similar paper to the Mayor, and the Mayor then proceeds to appoint a poll of all the electors in Cranford, in order that it may be seen which candidate has most votes on his side.

A day is fixed, when each elector can appear in person at the polling place to record his own vote. As the voting is by ballot, no elector need inform any one of how he is going to give his vote. On arriving at the polling place each elector has a paper given

him with the names of the rival candidates on it, and he is told to put a pencil mark against the name of the one he chooses. In order that no one may see which name he marks, he passes into one of the little compartments into which the room is divided. Having put a cross against the name of the candidate whom he wishes to have as a representative, he folds the paper up, and slips it himself into a large box with a slit in the cover like a money-box. At the close of the day the Mayor, as Returning Officer, opens this box, and, in the presence of the supporters of both candidates, counts the marks on the voting papers, and the one whose name has received the larger number of marks is declared to be the duly elected member for Cranford. If it should chance that the votes are equal, the Mayor, who has not yet voted, may then give his vote, and this gives a majority to one of the candidates. The Sheriff is the Returning Officer for a county instead of the Mayor, and the rest of the proceedings are nearly the same.

Parties in the House

The House of Commons is generally divided into two parties, who, acting and reacting on one another, promote the onward but steady growth of the State. They also ensure the full and thorough discussion of every measure; for, in the attacks of the Opposition, as well as in the arguments which these call forth from the promoters of any bill, the whole meaning and probable results of the measure are laid open before the House and before the country.

These two parties are known as Liberals and Conservatives, or by their older names of Whigs and Tories. As a general principle the former are the

advocates of progress and reform, the latter of the preservation of institutions and laws already established. But it often happens that the Conservatives carry bills which have been originally proposed by the Liberals, and occasionally the reverse process takes place. A third party, the Radical, is generally developed into a separate body at times of any great political change. It consists of Liberals who advocate reforms which the general body of the party is not yet prepared to accept. After these are carried into effect the Radicals become merged in the Liberal party, and all act together.

The House of Commons is presided over by the "Speaker," who acts as chairman of the Assembly. Questions of order are all referred to him, and his decision is final. He does not vote in a division; but, should the numbers be equal, he gives the casting vote. His seat is in a raised chair, fronting the entrance; and, on his right hand, on the foremost benches, sit the members of the Government, and behind them their supporters. On the Speaker's left hand sits the party which is out of power, with the leaders of the Opposition in front. At a change of Ministry all the members of the House of Commons change their seats.

The Speaker.

The Speaker is elected at the beginning of a new Parliament, and remains in office till its dissolution. He is then generally re-elected. There is also a Deputy-Speaker, who is Chairman of Committees, and takes the Speaker's place if he is absent.

Other officers of the House of Commons are—The Chaplain, who reads prayers at the commencement of each sitting; the Sergeant-at-Arms, who maintains order; the Shorthand-writer, who takes official reports

of proceedings in the House; the Librarian, and a number of clerks.

Privileges of the House.

The House of Commons, like the House of Lords, has the privilege of preserving its sittings free from all interruption or influence caused by the presence of strangers; and visitors may at any time be turned out by any member's calling the attention of the Speaker to their presence. This is in accordance with the law, which declares that all debates in Parliament are to be free and unquestioned.

It belongs the House of Commons to bring in all measures relating to the raising or spending of the revenue.

Bills relating to itself, such as Franchise and Redistribution of Seats Bills, must also be first brought forward in the House of Commons.

Parliamentary Proceedings.

When a member of the House of Commons wishes to propose any measure he must ask leave of the House to bring it in. This having been granted, and a day fixed for him to bring in his bill, at the appointed time he moves that it shall be read the first time. The motion must be then seconded by another member. It is read through, and, if it pass the first reading, it is ordered to be printed, and a copy of it is sent to every member. Members can all now fairly study the measure proposed, and are prepared at the second reading for a full and thorough discussion of it. After it has been carried that it should be read a second time, it is "committed," *i.e.* referred to a committee deputed to examine it, or else the *whole House goes into committee*, and sits to look into it phrase by phrase. Each separate clause is talked

over, amendments are proposed and either carried or rejected, so that sometimes a bill is completely remodelled in committee, and assumes almost a new form. A report of the committee, with the bill, is again brought before the House for the third and final reading. If it is a measure of importance, on which the members of the House are divided, the Parliamentary "Whips" on each side send notices to the members begging them to be in their places at the division. Should the matter be very "urgent" the word is underlined four times.

When the bill has been read a third time the Speaker puts the question as to whether it shall pass. The House then divides; those in favour of the bill pass out into one lobby, and those against it into another. The two divisions are counted by the "tellers." If there is a majority in favour of the bill, it is sent up to the House of Lords for their assent. After it has passed the Upper House, and received the Royal assent, it becomes an Act of Parliament.[1]

There are *public* and *private* bills: the former are those relating to the interests of the country generally; the latter affect only a certain number of persons, such as companies or boroughs undertaking works for the public benefit, but at their own risk or profit, etc. On Fridays the House of Commons meets at noon and adjourns at 6 P.M. Its sittings on Monday, Tuesday, Wednesday, and Thursday begin at two o'clock in the afternoon. Only on special occasions does the House meet on Saturday.

The prorogation of Parliament is the cessation of its sittings for a time; the dissolution is the end of its existence.

[1] See page 15

THE PRIVY COUNCIL AND THE CABINET.

Long ago it was found necessary that the Sovereign should choose a certain number of men to advise with him and help him to govern the country. These men, who were specially chosen for their prudence and judgment of affairs, were called the Wise Men or Elders. The Norman and Angevin Kings called them King's Council, or men of the King's Private Council. By degrees even this body was found too numerous for consultation on many State affairs; and it became the custom of the Sovereign to admit a few of the Privy Council to a yet more private audience in his Cabinet, or private room. This selection from among the general body of his advisers of an Inner Council was at first regarded with great suspicion as dangerous to the State; but the custom held its ground, and by the seventeenth century these special advisers had become known as the Cabinet Council. Although now the Head of the Government of the country, wielding the power of King and Parliament, the Cabinet has never been mentioned in an Act of Parliament or been established as a regular legal body.

Origin of Privy Council.

Origin of Cabinet Council.

The Privy Council is still maintained, although most of its power is lodged in those members of it that compose the Cabinet. The members of the Privy Council are chosen by the Sovereign, and the appointments are held during his pleasure. All political opinions are represented in it, and it undergoes no change at the fall of a Ministry. The number of the members of the Privy Council differs at different times. It con-

Constitution of Privy Council.

sists at present of the Duke of Connaught, Prince Arthur of Connaught, Prince Christian, Prince Louis of Battenberg, the two Archbishops, the Lord Chancellor, the Secretaries of State, and about 300 other noblemen and gentlemen. Each member takes the title of Right Honourable.

Besides the Cabinet there are three committees of the Privy Council, which attend to different branches of public business. These are—

Committees of Privy Council.

I. The Judicial Committee.—This is composed of those members of the Privy Council who hold or have held any distinguished position in the law. It forms a Court of Appeal from the Admiralty, Ecclesiastical, and Colonial Courts, and settles questions of patents and copyrights, etc.

II. The Board of Trade attends to questions relating to commerce, navigation, railways, etc.

III. The Education Committee.—This manages affairs connected with the Parliamentary votes of money for elementary education, science, and art.

The Ministry.

The "Cabinet" or Committee of chief Ministers is usually composed of from fifteen to twenty members. It is an informal body, and has no recognised place in the Constitution. Its chief, the Prime Minister, is appointed by the Sovereign, and he selects the other officers of State. The following Ministers usually form the "Cabinet":—

The First Lord of the Treasury.

The Lord High Chancellor. He is the law adviser of the Ministry, and Keeper of the Great Seal of the Realm.

The Lord President of the Privy Council.

The Lord Privy Seal.

The Chancellor of the Exchequer.

The Secretary of State for the Home Department. He attends to the public affairs of the United Kingdom.

The Secretary of State for Foreign Affairs conducts the intercourse between England and other nations.

The Secretary of State for the Colonies.

The Secretary of State for India.

The Secretary of State for the War Department attends to the condition and requirements of the army.

First Lord of the Admiralty does the same for the navy.

President of the Board of Trade.

President of the Local Government Board.

President of the Board of Education.

The Secretary for Ireland.

The Secretary for Scotland.

The President of the Board of Agriculture and Fisheries.

All members of the Government usually belong to the same political party as their chief; but *coalition Ministries* are sometimes formed in which more than one party is represented.

During the Great War there was formed (December 1916) what was known as the National Ministry. This body consisted of a War Cabinet which was originally composed of Mr. Lloyd George (Prime Minister), Earl Curzon (Lord President of the Council), Mr. Bonar Law (Chancellor of the Exchequer), Lord Milner, and Mr. Arthur Henderson (the two latter being without portfolios), and dealt exclusively with the conduct of the War. The remain-

ing members of the Ministry were: Lord Chancellor, Lord Privy Seal; the Secretaries of State for Home Affairs, Foreign Affairs, Colonies, War, and India; First Lord of the Admiralty, President of the Local Government Board, President of the Board of Trade, Minister of Labour, Minister of Munitions, Minister of Blockade, Food Controller, Shipping Controller, President of the Board of Agriculture, President of the Board of Education, First Commissioner of Works, Chancellor of Duchy of Lancaster, Postmaster-General, Pensions Minister, Insurance Minister, Paymaster-General, Attorney-General, Solicitor-General, Secretary for Scotland, Lord Advocate, Solicitor-General for Scotland, Lord Lieutenant for Ireland, Chief Secretary for Ireland, and the Lord Chancellor of Ireland.

In March 1917 the Imperial War Cabinet met for the first time. This body was composed of representatives from the Dominions and from India, and was invested with executive powers. In this it differed notably from previous "Imperial Conferences" which could only make recommendations and give advice. It will thus be seen that the inauguration of the Imperial War Cabinet marked the beginning of a new era in the Government of the Empire.

A Ministry remains in power only as long as it can command a majority in the House of Commons; so that though the appointment of the Prime Minister is in the hands of the Sovereign, his position cannot be maintained without the voice of the people. Whilst he has this there is no termination to his office but in the death of the Sovereign who appointed him. Thus Pitt held office, in the reign of George III., for eighteen years.

THE NATIONAL BUDGET.

Amongst the chief members of the Government is the Chancellor of the Exchequer. This office must always be held by a Commoner, because it is his duty to keep the money accounts of the realm, and to find out how much has been spent in the past year, and how much will be wanted in the coming year. Early in April, every year, the Chancellor of the Exchequer brings into the House of Commons his "Budget." This word is taken from the French *bougette*, a bag or sack, and refers to the bag of papers containing his estimates and accounts. These he lays before the House, and shows how far the sum voted last year has been sufficient for the national expenses, and what has been the revenue from different sources. The House then goes into committee, in order to discuss in detail the "ways and means" of raising the amount required. The sum voted will be only enough for one year's expenses, so that the House of Commons holds in its hands the continuance and very existence of nearly all our national institutions; and though it is the prerogative of the Sovereign to declare war, it rests with the House of Commons to vote the supplies, without which neither the standing army nor the navy can be maintained.

The Budget.

We will first see what the expenses of a year's government generally include. The whole amount for the year ending March 31, 1914, was about one hundred and ninety-nine millions of pounds, but during the War it increased to over

Expenses.

two thousand millions. This sum may be roughly divided into three parts—one spent in paying the interest on the national debt; another on the national defences, the army and navy; the remaining part covers all the expenses of government, judicature, Civil Service, educational grant, as well as the charges of the King and Royal Family and household.

I. The interest on the *national debt*, or money borrowed in past times for the national expenses, amounted in 1914–15 to £22,668,896; but in the year 1916–17, owing to the enormous sums which had to be raised for carrying on the War, it had increased to £94,754,000. The national debt was originally incurred by our forefathers, and we reap the benefit of their borrowing, in so far that it was spent for the most part in securing a constitutional government, and in checking foreign ambition, so that we are paying out of our present wealth for the freedom and peace by means of which England has flourished so greatly. The debt was first incurred at a time when England was not nearly so rich as now; the expenses of the Revolution, when William III. was established on the throne, had drained an already exhausted Treasury, and money had to be borrowed, at a certain rate of interest, in order to meet the necessary cost of government. The national debt was much increased during the long war with France, when England was threatened with invasion from Buonaparte, and when English commerce was so crippled by the "Continental system," under which Napoleon prohibited all the nations of Europe from trading with England. It rose, as we have seen, to its greatest height just before the battle of Waterloo.

National Debt.

II. The expenses of the army and navy are necessarily great, because of the extent of the British Empire, which necessitates defences in so many different parts of the world.

III. The King, as already said, is allowed £470,000 a year, and annuities to other members of the Royal Family amount to about £146,000. The cost of the Civil Service, or Government officials and *employés*, has during the War reached nearly £60,000,000.

Sources of Revenue.

The means by which the public revenue is raised are various. The largest sources of income are the *customs* and *excise duties*. These brought in one hundred and fourteen millions of pounds in the year 1916-17.

I. The *customs* are sums of money paid on some foreign goods imported into this country, such as tea, coffee, wine, spirits, tobacco.

II. The *excise duties* are taxes on some things manufactured in England, such as beer, spirits, etc., and they also include taxes on carriages, men-servants, armorial bearings, dogs, with licenses for shooting game, and keeping hotels, etc. It will be seen that both these taxes are paid on luxuries, rather than on the necessaries of life.

Other sources of income are *stamp duties*, paid on the transfer of property, *estate duties*, paid by inheritors of money or land, the *post office* and *telegraph service*, the Crown lands, and the property and *income tax*. The last is a tax of so much in the pound charged on all incomes of more than £130 a year. The exact amount of the tax varies in different years, according to the expenses of the year, or any deficiencies in other taxes. In 1874 it was only 2d. in the pound, in

1909–10 it was 1s. 2d. At the present time income tax is greatly in excess of the latter amount, and varies for different incomes. Consideration is also given to the fact whether incomes are earned or not, and the tax-payer is allowed to deduct the amount paid for life assurance premiums and also £25 for each child. Those who have incomes of over £3000 have to pay a higher rate, which is known as a super-tax. As all incomes below £130 are free of tax, workmen receiving wages of £2 a week and under do not pay income tax. On incomes not exceeding £400 a year, the sum of £120 is deducted before the income is taxed, and smaller deductions are allowed up to £700. None of our colonies or foreign possessions contribute anything, either as taxes or tribute, to the national revenue, except Cape Colony, which makes a voluntary contribution to the cost of the Navy. The colonies tax themselves for their own cost of home government; none of the riches of India reach the English Treasury.

THE ARMY AND NAVY.

Although the amount which we pay for the Army and Navy in time of peace seems in war days, with their colossal expenditure, no very great sum, yet when we think that even in normal times the cost of these forces exceeded one-third of the entire National Revenue, it may appear to have been a good deal to pay for the defence of our Empire; but if we take a map and carefully notice the extent of the English possessions, each one with its own separate outline, bounded on more sides than one

by countries owning another sway, we may perhaps form a better idea of the need for providing so large an amount of warlike defence. *One-sixth* of the whole surface of the earth divided into patches of country, in all parts of the globe, has to be protected and defended by British arms. And more than one-third of the civilised races of the world are trusting to this defence for peaceful rule, progress, and social life.

The Army.

For the history of our standing or regular army we need only to go back to the reign of Charles II., who raised and kept up a standing force of about 5000 men, and this was increased by James II. to 30,000. No vote of Parliament was granted for the support of these men; the army was a royal force rather than a national institution, and was disliked by the people as part of the attempt of the Stuarts to overthrow constitutional government in England. In the Bill of Rights a special clause was inserted making it illegal for the Sovereign to keep a standing army in time of peace without the consent of Parliament. Later on the nation assumed through its representatives in the House of Commons a more complete control over the army by passing the Mutiny Act, in which the number of soldiers to be employed, their pay and discipline, were settled each year in Parliament. The Mutiny Act is now merged in the "Army Discipline and Regulation Act," which has also to be passed every year. The sum of money required for the support and maintenance of the army is also voted every year among the

Origin of Standing Army.

expenses. Although the Sovereign is the head of the army and can alone declare war, yet the regular army is ruled and its existence secured by Parliament. An Army Council has recently been formed in place of the previous War Office administration. The Council consists of the Secretary of State for War, and four military and two civil members. The Secretary for War is finally responsible to the Crown and to Parliament. He is always in the Cabinet, so that he forms a link between Government and the Army, and for this reason, when a war is successful, it adds to the popularity of a Government; and, on the contrary, the Ministry has to stand the censure of a defeat. The office of Commander-in-Chief is now abolished, and an Inspector-General of the Forces has been appointed. He is responsible to the Secretary of State for the efficiency of the Military Forces. The army consists of cavalry, infantry, artillery, and engineers, besides men engaged in transport and medical service. There are besides the regular troops the Army Reserve and the Territorial Forces.

Rule of the Army.

Composition and Number.

During the progress of the Great War it was found necessary to introduce a temporary measure of compulsory service, but before that time the British Army was kept up by the voluntary enlistment of its soldiers. No man in England was obliged to serve in the army, and only did so of his own free will, just as he would have taken up any other occupation or profession. A soldier generally enlisted for a term of twelve years; at the end of three or eight years, according to his choice, he was allowed to enter the

Supply of men.

Reserve. These were soldiers who had leave to return to their homes and to engage in any other employment on condition of their being called out to drill for some days every year, and of being ready to serve in the army at any time when they should be required.

Reserve.

If a young man desires to enter the army as an officer he must pass an examination in general education, which admits him to one of the Military Colleges. Should he wish for a commission or certificate of appointment as officer in the Cavalry or Infantry he goes to Sandhurst; if in the Artillery or Engineers, he goes to Woolwich. He is now called a *cadet*, and must go through a course of study and drill such as will fit him for his profession. At the end of this he has to pass a military examination, and if he is successful he receives a commission as Second-Lieutenant. During the Great War a number of temporary commissions were given to members of Officers' Training Corps and others who were deemed eligible.

Officers.

The degrees of rank of commissioned officers in the army are the following:—

Field-Marshals.	Lieutenant-Colonels.
Generals.	Majors.
Lieutenant-Generals.	Captains.
Major-Generals.	Lieutenants.
Brigadier-Generals.	Second-Lieutenants.
Colonels.	

Any man may rise from the ranks and become a commissioned officer.

The Navy.

The English Navy is a much older institution than the army; it has never been regarded with suspicion as dangerous to the State, because no unconstitutional Sovereign could employ it in any design against the political rights of the people; on the contrary, the navy has always been looked upon as England's best defence against a foreign foe; and the "wooden walls of old England" were the theme of many a toast and song in the days when its ships were built of oak and the country was in danger of French invasion. In the course of twenty-one years of European war succeeding the French Revolution our fleet had taken or destroyed 1110 ships of the enemy, showing that it was no idle boast of our forefathers when they sang, "Britannia rules the waves." History.

Up to the time of the Spanish Armada the navy consisted of only a few ships—the force collected to defend England against the Spanish invasion was only 176 ships and about 15,000 men, and of these only 40 ships and 6000 men belonged to the Royal Navy. In times of peace the chief stations of the navy are the Mediterranean and Red Sea, the Cape, the East Indies, North America and West Indies, the Australian, the Pacific, China, and the Channel. At each of these stations a fleet of ships is on guard. Present Navy.

The navy is recognised as a permanent institution, although Parliament has to vote every year the sum required for its expenses; no bill has to be brought in for its regulation as with the army, because the

Bill of Rights does not prohibit the constant keeping up of the navy, whether in peace or war. The direction and management of the navy is under the Board of Admiralty. This consists of seven members, who are called Lords of the Admiralty. The "First Lord" is always a member of the Cabinet, and goes out with the Ministry; the fifth Lord must be also a Member of Parliament; the others are naval men.

Admiralty Board.

The following are the gradations of officers in the Royal Navy:—

Rank.

Admirals.	Commanders.
Vice-Admirals.	Lieutenant-Commanders.
Rear-Admirals.	Lieutenants.
Commodores.	Sub-Lieutenants.
Captains.	Midshipmen.

Like the English army, the navy is supplied by voluntary enlistment.[1] No man is now compelled to serve on board a man-of-war; but, having once entered as a sailor in the Royal Navy, he is bound not to leave the service for twelve years. The sailors enter first as boys on board one of the training-ships at Portsmouth, Plymouth, Falmouth, or Portland. Here they remain for eighteen months, and learn the duties of seamen on board ship, after which they are sent to sea in one of the Royal ships of war.

Officers have also to enter the service as boys, and are trained at Osborne and Dartmouth. Here they are educated for their profession; and before a boy can be appointed a midshipman, he must pass an examination, and show that he has made sufficient progress in his

[1] As in the case of the army, these regulations have been considerably altered during the Great War.

naval education. He must also pass another examination at the Royal Naval College, Greenwich, before he can be made a lieutenant.

A certain number of men employed in the merchant service belong to the Naval Reserve. These are only called into the Royal service in time of war.

Other forces are the Royal Naval Volunteer Reserve, Royal Naval Air Service, and Royal Naval Division.

The Royal Marines are a corps of officers and men who serve both on land and sea. They are divided into two sections—Marine Artillery (R.M.A.) and Marine Light Infantry (R.M.L.I.). Marines.

JUSTICE AND THE COURTS OF LAW IN ENGLAND.

Laws are designed for the protection of individuals and of society against the crimes and wrongs which one man may inflict upon another; and they also supply an authority under which men can be compelled to fulfil their agreements. Laws.

The laws upon which English justice is based have three different sources: there are those old legal customs which have been handed down from the earliest times, and which are known as "Common Law"; then there are special Acts of Parliament, which are called "Statute Law"; but besides these there is another branch of law, which passes under the name of Equity. "Rules of Equity" have been formed in this way: a prominent feature in the Common Law. Statute Law. Equity.

ancient idea of a King was that of his being the judge of his people, doing justice according to the law. In early times individuals brought personal appeals to the Sovereign for redress of wrongs, which his courts would not supply, and these the King would often refer to his Chancellor, who was always the most learned member of his Council, and his secretary. By degrees a special court was formed, over which the Chancellor presided, and, acting for the Sovereign, gave judgment in cases which other courts failed to meet. The recorded decisions given in such cases grew in time into a body of precedents, which could be studied and appealed to, and on these were based the judgments given in the Court of Chancery. In 1875 this special court was merged in the general scheme of the Supreme Court of Judicature; and "rules of equity" were made binding by statute. They now form a branch of the law, in addition to the customary rules, which are the basis of the common law, and to the statutes which have been passed by Parliament; and upon all of these the proceedings in all the law courts are now conducted and judgments given.

Reform of Law Courts, 1875.

The carrying out of the laws necessitates the creation of a system of courts and officers which pass under the common name of *Justice*. There are two important divisions included under this title which it is necessary clearly to distinguish.

First. There is that branch of justice which undertakes the punishment of crime. Crimes are divided into two classes—felonies and misdemeanours. The former includes the more serious cases, and the punishment for felony formerly was death, with the forfeiture of the felon's

Criminal Justice.

property to the Crown. This, however, is not so now, and the distinction is little more than formal.

Secondly. There is the process for the redress of lesser wrongs and the enforcement of contracts. These are called civil cases. Civil Justice.

There are certain differences in the order of proceedings in criminal and civil cases which need to be carefully noticed.

We will suppose that a burglar breaks into the house of Mr. A. and steals his goods. The thief is taken and brought to justice. He is charged as having committed a crime, not against Mr. A., whom he has robbed, but against "the peace of our Lord the King, his Crown, and dignity;" and the proceedings are conducted in the name of the King. Mr. A. may prosecute the burglar and appear against him as a witness, but he gains no compensation by the trial and punishment of the thief.

Secondly. We will suppose that Mr. A. brings an action against Mr. B. for having injured the value of his land by turning the direction of a stream of water; or against Mr C. because he has failed to deliver, according to agreement, some goods which he has sold to Mr. A. In these cases it is Mr. A., the plaintiff, who brings the complaint into court against Mr. B. or Mr. C., the defendant; and if Mr. A. gains his suit he will receive compensation in money from Mr. B. for the injury done to him, and Mr C. will be compelled to deliver the goods or pay their value; but in neither will the law punish either of the defendants for their wrongdoing.

Another difference between a criminal and civil process is that the King may, in the former, interfere with the course of justice, and pardon a criminal after

he has been condemned, because his offence is against his Crown and dignity as the preserver of law and order; but Mr. A. cannot forgive the burglar who has broken into his house nor stop the proceedings against him. The King, in the latter case, cannot pardon Mr. B. or Mr. C. for any wrong they may have done to Mr. A, though, Mr. A. himself may forgive either and make no claim for compensation.

The processes of justice are carried on in several different courts; and for the origin of these, as well as of the relation in which they stand to the Crown, we must go back to earlier times in our history. The Sovereign does not wield the sword of justice, as the personal ruler over an unwilling people, but he represents the people themselves, ruling themselves, suppressing crime among themselves, protecting the weak, and righting the wronged. This element of responsibility in English justice is remarkably shown in the earliest administration of it in the Court of the Hundred,[1] or lowest criminal court in old English days.

Ancient Courts.

The judges in this court were freemen living in the Hundred, and the president was elected from among themselves. The King sent an officer to collect a share of the fines imposed, and the King had authority to compel the carrying out of its decisions; but whether in the Hundred Court, or in the Folk-moot, the justice was administered by the people, and for themselves.

The appeal, however, which was made to the King in Council from the local courts recognised the King as the supreme Judicial authority, and placed him in

[1] The Hundred was the district originally settled in by 120 families. It is now the name for a division of a shire.

a relation to English justice which was more fully developed as time went on; although the share of the people in judging themselves survived, and still survives, in the *Grand Jury*, who represent the freemen of the shire, sitting in judgment. There is evidence that the older English Kings were constantly moving from place to place throughout their realm. The King's justice therefore was continually sought as a supreme decision. We have seen how these direct appeals to the King's justice grew into the Court of Chancery and the rules of equity. The King with his Wise Men in Council had judicial authority; and this was retained by the King's Council of the Normans, which constituted in itself a *court of justice*, of which the Sovereign was the head, and in which he was distinctly recognised as the source of all justice throughout the realm; and judicial proceedings were carried on in his name.

As time passed on the business of this Royal court fell into three divisions—the King's Bench, the Common Pleas, and the Exchequer. The original idea of the King's Bench was simply that of the Sovereign sitting in judgment, and trying criminal matters that came before the superior courts—matters that touched the rights of the Crown. The Court of Common Pleas settled disputes between subject and subject; and the original business of the Exchequer Court was to deal with questions relating to the revenue. But in later times most civil cases could be also tried in either of these courts.

Although some changes had taken place in these courts, they retained their original names and construction from the thirteenth century till 1875, in which year the whole system of judicature underwent a

complete reorganisation, which must be explained more fully.

Courts of Law.

The various existing courts may be roughly classified by the following diagram.

INFERIOR COURTS.

QUARTER SESSIONS (Criminal). | COUNTY COURTS (Civil).

SUPERIOR COURT.

HIGH COURT OF JUSTICE DIVISIONS.

Chancery Division. | King's Bench Division. | Probate, Divorce, Admiralty Division.

WHENCE APPEALS GO TO

SUPREME COURT OF APPEAL.

WHENCE APPEALS GO TO

HOUSE OF LORDS.

ECCLESIASTICAL COURTS.

BISHOP'S COURT.

WHENCE APPEALS GO TO

ARCHBISHOP'S COURT.

WHENCE APPEALS TO

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

TO WHICH LAST ALSO GO APPEALS FROM INDIA AND THE COLONIES.

Quarter Sessions.

The principal of the Inferior Courts are, as will be seen in the diagram, the Quarter Sessions, and the County Court. The Sessions are held four times a year for the trial of lesser criminal cases in each county and in most of the

larger towns. In towns the Judge is the Recorder, who is a barrister appointed for this purpose; in counties the Court is held before the Justices of the Peace, of whom one is chosen as Chairman, and acts as Judge, though he usually consults the others as to the sentence. Murders and other very serious cases cannot be tried before these courts. Smaller cases still, such as petty assaults, are heard before two Justices sitting together without a jury, or in London and some large towns before a paid Magistrate appointed for the purpose.

The smaller civil cases are heard in the County Courts, from which there is, however, an appeal on questions of law to the High Court of Justice. The name of these courts is derived from a much older institution, belonging to Saxon and Norman times; but there is no historical relation between the early Sheriff's Court and the County Courts of the present day. These date their existence only from 1846, in which year England was divided into fifty-six circuits, each containing a certain number of district courts, which are held at the principal towns in each circuit. Over each circuit a Judge is appointed by the Lord Chancellor; he is chosen from among barristers of at least seven years' standing. On his appointment he ceases practising at the bar, has the title of Judge, and is addressed as "Your Honour." The principal cases tried in the County Courts are claims for debts under £50, and civil cases in which the amount of damage does not exceed £50. All civil cases, involving a larger amount of money than £50, must be tried in a Division of the High Court of Justice.

County Courts.

The Ecclesiastical Courts are the Bishop's Courts

and the Archbishop's Courts, or the Court of Arches. Appeals from these Courts are carried to the Judicial Committee of the Privy Council. They have no authority over the laity, and are more fully explained in the sketch of the National Church (page 61).

Ecclesiastical Courts.

Above all lower Courts come the Divisions of the High Court of Justice and the Court of Appeal—the former being again a name for the three different divisions in which the administration of justice is carried out. These, as the diagram shows, are the Chancery Division, the King's Bench Division, and the Probate, Divorce, and Admiralty Division.

High Court of Justice.

The old Court of Chancery, which formerly existed as a distinct court, in which judgments in Equity only were given, is now virtually done away with; and the Division bearing its name is a branch of the High Court of Justice—equity rules being equally binding in all. The Chancery Division has jurisdiction to try any case that is brought before it, but the business usually transacted in it is much the same as that which used to be brought into the old Court of Chancery. It consists chiefly of the *administration of the estates* (or distribution of the property of deceased persons dying without a will), the care of heirs under age, the execution of *trusts* (or property held for the use of another), the settlement of the rights of partners in business, cases relating to *mortgages* (or the grant of property as security for borrowed money), and other cases requiring complicated inquiries or accounts. The decisions are usually given by the Judge alone, no jury being employed except by express permission

Chancery Division.

of the judge. The Chancery Division is presided over by the Lord Chancellor with six other judges. The long delay in Chancery business, such as Dickens has described in *Bleak House*, exists no longer.

Probate, Divorce, Admiralty Division.

The Probate, Divorce, and Admiralty Division of the High Court of Justice gives judgment on disputed wills, matrimonial cases, and shipping affairs. It has a President and one other judge.

King's Bench.

The King's Bench Division has much the largest amount of business coming before it. It is presided over by the Lord Chief-Justice of England, with fourteen other judges. It sits, like the other Divisions of the High Court of Justice, at the Royal Courts of Justice in the Strand; but it has also the power, under commissions issued by the Crown to particular judges, to hold sittings at certain times of the year in every county of England and Wales.

Assize Courts.

As early as the reign of Henry II. the country was divided into six districts for the administration of the King's justice; there are now eight of these districts or circuits, each containing from six to nine towns, and four times in every year the Royal Judges of this Court hold sittings or assizes in these towns, the judges representing the Sovereign himself, and holding their commissions from the Crown. Two judges are appointed to each circuit, and a number of barristers follow the judges through the circuit each time, the same barristers always going the same circuit. The circuits are—the South-Eastern, Midland, Northern, North-Eastern, Oxford, Western, North Wales and Chester, and South Wales.

Two separate Courts are usually held in each

assize town by the Judges on Circuit—one for the trial of criminals; and as these are proceeded against in the name of the Sovereign, this is called the Crown Court; the other Court tries civil cases, or actions brought by one man against another. This Court is often called the Nisi Prius Court, because formerly all county causes were ordered to be tried on a given day at Westminster, "unless before"—*nisi prius*, the language used, being Latin—the judges came into the county to which the cause belonged; and this, in fact, they always did.

In small towns, when there are but few cases to be tried, only one judge attends, and hears first the criminal and then the civil cases. It sometimes happens in thinly populated districts that there are no criminals to be tried; this is called a "Maiden Assize," and the sheriff presents the judge with a pair of white gloves. Except at Manchester and Liverpool, only the Criminal Court sits at the Spring and Autumn Assizes.

Besides the Assize Courts there is in London the Central Criminal Court, for the trial of any prisoners who are specially ordered to be tried there. This Court is held under the provisions of an Act of Parliament; a judge of the High Court of Justice tries the graver cases, others are taken by the Recorder, the Common Serjeant of the city of London, or the judge of the Small Debts' Court. Its sittings are held every month.

Central Criminal Court.

We will now endeavour to understand something of the order of proceedings in a criminal trial, and the method by which a felon is brought to justice and punished; and we must notice at each step the thorough and patient investigation which the case receives under English

Proceedings in a Criminal Trial.

justice, and the extreme care which is taken that a guilty man should not escape nor an innocent one suffer. We will suppose the crime to be the most serious—that of murder—because such a case will include the whole order of the proceedings in criminal justice.

Let us imagine that an individual, whom we will call Mr. Brown, has been found lying in a ditch, shot through the heart. The first step in bringing justice to bear upon the case is to inform the police; and this should be done, if possible, before the body or anything lying near is disturbed. The police will make their observations, and give notice of the discovery to the *coroner of the district*, who is an officer appointed to inquire into the cause of death when this is unknown. The Coroner summons a jury of twelve men, and holds an inquest, or inquiry, as to the cause of Mr. Brown's death. Coroner's Inquest.

At this investigation all the evidence which can be procured is brought forward. Perhaps a medical man testifies that, from the nature of the wound, it would be possible for Mr. Brown to have inflicted it himself. His own pistol may have been found close by him; and further evidence may be given by his friends to show that he was suffering from depression or mental disease; and a letter may be produced in which he expressed his intention of destroying himself. The jury, under these circumstances, would return a verdict of *felo-de se*, or suicide, and no one would be suspected of murder.

Or the evidence at the coroner's inquest may show that Mr. Brown had left home in excellent health and spirits to go out shooting with a friend, and that the accidental going off of his friend's gun had caused Mr. Brown's death, in which case a verdict of death

by misadventure would be given, and no guilt would be attached to the friend. If, however, it was shown that the friend had been carrying his gun carelessly, or had been guilty of any other negligence, a verdict of manslaughter would be found, and the friend would have to stand his trial.

But we will suppose that it is proved at the inquest that Mr. Brown had no firearms with him, and that, from the nature and direction of the shot, he could not have fired it himself. The pistol beside him is not his own; and, moreover, he has been robbed of his watch and money. In such a case, a verdict of murder against some person or persons unknown is returned, and the police proceed to search for the murderer.

Some vagrant is found lurking in the neighbourhood who has Mr. Brown's watch in his possession, and more money about him than he is likely to possess of his own. This man is taken up on suspicion; and the next step is to bring him before the magistrates. The magistrates examine all the witnesses who can testify anything for or against this man's having committed the murder. If there is not enough evidence to show a probability of his being the murderer, he is discharged; but if the testimony appear to the magistrates to be sufficient to convict him, he is committed for trial at the next assizes, or, if the crime was perpetrated in London or its suburbs, at the next sitting of the Central Criminal Court. By the statute of Habeas Corpus he cannot be detained in prison any longer than the next opportunity for his trial, when he is bound to be presented in court.

Examination before Magistrates.

Meantime, all that the witnesses have deposed against him is written down and sent to the officer of the Assize Court where he is to be tried, and from this is prepared what is called his "indictment." This is a written statement charging him with the crime of which he is accused. At the time when the assizes are to be held the "Grand Jury," consisting of about thirty gentlemen, Magistrates and Justices of the Peace, belonging to the county, is formed; and this indictment, with those of the other prisoners, is laid before them. The Grand Jury carefully examine it, and if twelve of them agree that the evidence is sufficient to make out a *prima facie* case against the suspected man, the foreman of the Grand Jury writes upon that indictment—"A true bill;" but if there are not twelve of the Grand Jury who think the charge sufficiently supported by the evidence, the foreman writes—"No true bill;" and the prisoner is set free.

Grand Jury.

We must suppose, however, that a true bill has been found against the man charged with the murder of Mr. Brown. The next step in the proceedings will be that, at opening of the assizes, he and others, whose indictments have been found by the Grand Jury to be true bills, will be brought into court in order to be arraigned. This is done by reading to each his indictment, and asking him if he plead guilty or not guilty to the charge laid against him in it. We must notice here that he is not asked if he is guilty or not guilty of the murder, but only which he intends to plead in answer to the indictment. A court of justice is throughout a series of legal proceedings, not a moral avenger; and the charge against the prisoner is that

Arraignment.

of an offence against the Crown in breaking a law of the realm. Every man, whether he committed the crime or not, is justly entitled to a legal trial, and that trial, we must remember, is to be conducted *solely on evidence*. No man is required to confess or accuse himself. Guilty, in a legal sense, means that the evidence is sufficient to convict the prisoner. If, therefore, the murderer believes that the evidence brought into court will not prove him guilty, he has a right to plead "Not guilty," without any breach of truth. When any of those who are arraigned plead guilty, sentence is at once passed upon them by the judge. It now remains to try those who have availed themselves of the legal plea. For this a petty jury is empanelled, consisting of twelve men, whose duty it will be to listen carefully to all the evidence given in their hearing; to give just attention to pleadings of the counsel on both sides; and to follow heedfully the summing-up of the judge. The question they will have to decide is whether the evidence is enough to convict the criminal. If so, they will return a verdict of guilty; but if the legal testimony is insufficient to show that the prisoner committed the crime, they must return a verdict of "Not guilty," although some of them may have strong suspicions of the man's moral guilt. The Scotch have a verdict in such cases of "Not proven," and this sets the prisoner free, but leaves him under the suspicion of guilt, and liable to be tried again. The jury are chosen at random out of a list of names sent by the Sheriff of persons qualified to serve on petty juries, and each man is bound to be present when his name is called, under a penalty of £2. The prisoner may object to any

Petty Jury.

of the twelve men who are to try him, if he has reason to think there is prejudice in the mind of any against him. If no objection is raised, each juryman then takes an oath to give a true and faithful verdict between "our Sovereign Lord the King and the prisoner at the bar." If the case should be one of misdemeanour and not felony, it would be "between our Sovereign Lord the King and the defendant."

One important part of the proceedings has already been prepared, and that is the drawing up of the "briefs." These are statements of the case, made by two solicitors, one on the part of the Crown, and the other on the side of the prisoner. They are intended for the instruction of the barristers who have been engaged to address the jury for and against the prisoner. What has been already said in regard to the pleading of "not guilty" by the prisoner, and of the grounds on which the verdict of the jury is given, is also to be remembered in regard to the pleadings of counsel. Every Englishman is entitled to the best defence he can make, either by himself, or through his counsel, who is at the time his representative in the court of justice; the counsel on the other side represents the Crown; and he also is bound to fulfil his duty in vindicating the honour of the King against the outrage of the laws; and he must use all his skill to bring the evidence to bear upon the case, so as to leave the prisoner no loophole of escape, whatever his own private feelings of pity and mercy may be.

Briefs.

If a prisoner be too poor to provide a barrister to represent him and defend him, the judge will, in a case of murder or any other great crime, ask a junior

barrister to undertake it; and he is generally only too happy to get an opportunity for showing his skill in the conduct of the case, so as to induce solicitors to entrust him with briefs.

Pleadings of Counsel.

The trial of the prisoner is opened by the counsel representing the Crown, who rises and states the case to the jury in such a way as to bring out all the strong points in the evidence upon which the probability of the prisoner's guilt rests. He then calls witnesses to support what he has said. The barrister for the defence, instructed by his brief, watches carefully for any weak points in the testimony given by the witnesses; and at the end of their examination he may cross-question each one, so as to prove and test the evidence to the uttermost. This cross-questioning is very important, as it is seldom that a false witness can maintain his statement, under the hands of a skilful barrister; on the other side, it often tends to prove the accuracy of a truthful witness, and to convince the jury of this. When this is over, the counsel for the defence addresses the jury, exposing any flaws or contradictions in the evidence, and urging all the arguments he can in favour of the prisoner. Then he also calls witnesses to prove what he pleads; and the counsel for the prosecution cross-questions them, so as to upset the plea of the defence if he can. In this way the defence is also subjected to a rigorous test, and if false probably breaks down.

As soon as these witnesses are dismissed, the prisoner's counsel again addresses the jury, urging every plea that can stand in his defence; and to this the counsel for the Crown has the right of reply. The jury are in this way placed in possession of carefully

sifted facts on which to found their verdict, and from the pleading of the counsel on both sides they have before them the conclusions which may be drawn from these; but before they give their verdict the judge sums up the case for them, weighing impartially the evidence against and for the prisoner, and carefully instructing the jury in any points of law bearing on the case either way.

When the judge has concluded his summing-up, the jury retire to consider their verdict. This has to be the unanimous decision of twelve men, and some time may pass before they all agree on it. During this time they are shut up, and are not allowed to have any communication with any one. As soon as they have all come to the same decision, they return to court, and are asked if they have all agreed on their verdict. The foreman answers "Yes;" then he is asked whether they find the prisoner guilty or not guilty. If the verdict be "Guilty," an officer of the court demands of the prisoner if he knows any reason why the sentence should not be passed upon him. A last opportunity is thus afforded him for saying anything he can for himself, or pleading any extenuating circumstance which may tend to lighten his sentence. The judge then passes sentence upon him.

Verdict.

Until the passing of the Criminal Appeal Act, 1907, no right of appeal was allowed to a prisoner convicted of a criminal offence, although clemency might be exercised by the King on the advice of the Home Secretary. Whilst, of course, the Royal prerogative can still be exercised, the convicted criminal now gets another chance by going to the Court of Criminal Appeal.

No man who has been pronounced to be "Not guilty" can be tried again for the same offence, even if fresh evidence should arise. If a prisoner has been wrongly convicted, he can only be set free by a pardon from the King; but should any mistake have been made in the legal proceedings of his trial, he may obtain a "writ of error," and the case would be taken into a higher court. As a matter of fact, English justice is so accurate and thorough in its investigation of evidence, and so exact in its legal proceedings, that a real mistake of any kind is extremely rare. Persons who do not understand the nature of a court of justice, or who forget that all its proceedings are regulated by laws, and that it is in strict adherence to these that unbiassed justice can alone be secured, often may dispute the rightfulness of a verdict or a sentence; but if juries and judges could act on sentiment or prejudice, English justice would be at an end. Every serious case passes through a sifting process of three kinds of examination before sentence is passed; and in cases of murder there may be four:—

1. Coroner's Inquest.
2. Examination before the Magistrates.
3. Examination of the Indictment by the Grand Jury.
4. Trial and Verdict of the Petty Jury.

All of these, except the examination of the grand jury, are carried on in open court, and the proceedings are watched and conducted by skilled lawyers, both on behalf of the defence and the prosecution.

The method of action in a civil case is generally less complicated. The plaintiff states his case to his solicitor, who summons the defendant to appear

and answer the complaint brought against him. If the defendant does this, the action is proceeded with. The defendant engages another solicitor, and after some legal preliminaries the case is brought into the Nisi Prius Court at the Assizes. Each of the solicitors prepares a brief, and selects the counsel to whom he entrusts it. Sometimes two or three of the leading barristers on circuit are engaged by one side, not only in order to have the benefit of their skill in convincing the jury, but also to prevent the other side from getting the advantage of it. If either the plaintiff or defendant wish, a special jury, consisting of merchants, men of property and education, may be employed to try the case. The method of the trial and examination of witnesses are much the same as in a criminal trial. The jury return their verdict for the plaintiff or for the defendant; if for the former and it is a case demanding damages, they estimate these and state them in their verdict; to this are sometimes added the costs of the trial.

Civil Case.

Besides the civil cases tried before juries in the Nisi Prius Court, many cases are tried by a judge without a jury; he decides the facts upon the evidence in the same way as a jury, and orders the defendant to do, or abstain from doing, something, or avoid damages to the plaintiff; or if the latter fails to prove his case the judge orders him to pay the defendant the costs he has incurred.

If either of the contending parties be dissatisfied with the result of a trial he may apply to the High Court of Justice for a new trial, or, in some cases, to the Court of Appeal; and this brings us out of the High Court of Justice into another court.

The Court of Appeal is, as its name suggests, a court in which appeals may be made against decisions which have been already given in any of the three divisions of the High Court of Justice. The sittings of the Court of Appeal are always held at the Royal Courts in the Strand. There are five ordinary judges in this court, who are called Lord Justices. They are always members of the Privy Council, and, therefore, have the title of Right Honourable before their names. In addition to these judges, the Lord Chancellor, the Lord Chief-Justice, the Master of the Rolls, and the President of the Probate, Divorce, and Admiralty Division are *ex-officio* judges. Three judges generally sit in one room, and three in another, and the evidence already given is usually, though not always, taken as the ground of their decision. No jury is ever employed in the Court of Appeal. Appeals can be made from their decisions to the House of Lords. In such cases the Lord Chancellor, the three Lords of Appeal, and any other peers who are also great lawyers give their judgments on it. The appeal to the House of Lords is final.

Court of Appeal.

We have already spoken of the Judicial Committee of the Privy Council as also a final court of appeal from the ecclesiastical courts and in some other cases.

The sketch of English justice would scarcely be complete without further notice of the Lord High Chancellor, who is almost a national institution in himself. He was originally, as we have seen, the King's secretary, nearly always a clergyman, and the most learned member of the Great Council. He then became the representative of

The Lord Chancellor.

the Sovereign and the judge of appeals made to the King. He is still the President of the House of Lords, taking precedence there of all other temporal peers; and, if the King be not present to open Parliament, he reads the Royal Speech. He still represents the paternal character of the Sovereign, in that he is the guardian of children under age, lunatics, and idiots. He is always in the Privy Council and in the Ministry. He usually presides at the hearing of appeals in the House of Lords, and sits when he pleases to hear cases in the Judicial Committee of the Privy Council, and he is *ex-officio* judge of the Court of Appeal, and President of the Chancery Division of the High Court of Justice. He appoints all the County Court judges and justices of the peace, and all the Crown livings are in his gift.

It is characteristic of our English institutions that any man who starts in life as a barrister may, if he has sufficient ability and learning, rise to this splendid and important position.

THE ENGLISH CHURCH

The English Church has been from the earliest times so closely connected with the government and growth of the nation that any sketch of our national institutions would be incomplete without an outline of the facts relating to the administration of ecclesiastical affairs. By the National Church we do not mean merely the body of clergy appointed to minister in it; but rather what was at first the whole nation—and afterwards the majority—of a Christian people,

providing for its own religious needs. It is in this respect that the English Church is still a national institution, presided over by the Sovereign, having its representatives in the House of Peers, and legislated for by the people of England themselves, through their representatives in the House of Commons. It is also national in the sense that every Englishman may claim, as his native birthright, a share in its teaching and ministrations.

Rise and History of the Church.

Like almost all our institutions, the Church was a part of the original uprise and growth of the English nation as it emerged from barbarism and disorder into settled forms of government and laws. There was no one definite time when by any Sovereign's will or direct Act of the Legislature the organism of the Church was established in England. It shaped itself rather out of the spiritual desires and needs of the people, and was the outward expression of these.

The efforts of early missionaries from Rome and Ireland, St. Augustin, St. Birinus, St. Oswald, and others, spread the knowledge of Christianity among the English people; and by the middle of the eighth century the nation had become so far Christian that, though England was still divided into many small tribal kingdoms, we find Englishmen united in one Church, for the organisation of which the whole land had been mapped out by Archbishop Theodore into dioceses, grouped into the two provinces of Canterbury and York.

As the centre of the religious work in each diocese the *cathedral* or head church arose, built by the gifts of wealthy individuals; and in connection with it a council or chapter of clergy was often formed for

helping in the religious affairs of the cathedral; the president of this council had the title of Dean. By degrees churches were built by lords of the manors, and other wealthy persons, in the outlying districts of the diocese; and as these churches increased boundaries were fixed, limiting the pastoral ministrations of the clergy attached to these churches within a certain extent of country around each church, so that they might not interfere with one another. These became the different parishes into which England is divided, and these generally coincide in extent with the manors. For the support of the bishop or overseer of the diocese, as well as for the stipends of the parish clergy, property was given and left by rich persons, not as to a common fund, but for the special endowment of a particular bishopric, or for the continual payment of the clergyman having charge of a particular parish. This provision for building new churches, for endowing new dioceses or new parishes, has gone on from the earliest times, and is going on still, so that the payment of all the working clergy in England to-day is derived from the religious liberality of the English people, and not from supplies voted by Parliament, as in the case of the Army and Navy. After the French Revolution the French government, having taken to itself the lands and income of the French Church, made an arrangement for paying out of the public taxes a certain number of Roman Catholic, Protestant, and Jewish clergy to be teachers of religion among the French people; this it will be readily seen is an altogether different system from the English Church. Of the latter Bishop Stubbs says in his *Constitutional History*—"It was from the first to an extraordinary degree a national church,

national in its comprehensiveness as well as in its exclusiveness. Englishmen were in their lay aspect Mercians or West Saxons; only in their ecclesiastical relations could they feel themselves fellow-countrymen and fellow-subjects. And for a great part of this period the interference of foreign churches was scarcely, if at all, felt. There was no Roman legation for the first three centuries. Until the eve of the Conquest, therefore, the development of the system was free and spontaneous, although its sphere was a small one. The use of the native tongue in prayers and sermons was continuous, the observance of native festivals also, and the reverence paid to native saints. If the stimulating force of foreign intercourse was wanting, the intensity with which the Church threw itself into the interests of the nation more than made up what was lacking. The ecclesiastical and the national spirit thus growing into one another supplied something at least of that strong passive power which the Norman despotism was unable to break. The churches were schools and nurseries of patriots, depositories of old traditional glories, and the refuge of the persecuted. The English clergy supplied the basis of the strength of Anselm when the Norman bishops sided with the King. They trained the English people for the time when the King should court their support, and purchase their adherence by the restoration of liberties that would otherwise have been forgotten. The unity of the Church was in the early period the only working unity, and its liberty in the evil days that followed the only form in which the traditions of the ancient freedom lingered. It was again to be the tie between the conquered and the conquerors; to give to the oppressed a hold on

the conscience of the despot; to win new liberties and revive the old; to unite Normans and Englishmen in the resistance to tyrants, and educate the growing nation for its distant destiny as the teacher and herald of freedom to all the world."

The English Church was in communion with, and a branch of, the Church of Rome, though there were often disputes between the King and the English Bishops, and the Bishop or Pope of Rome, and these continued till the reign of Henry VIII. As early as John's reign the primate of the English Church, Stephen Langton, threw himself on the side of the nation against the Pope and the King, and with his own hand drew up Magna Charta, one clause of which declares the freedom of the Church of England (Anglicana Ecclesia), and the right of electing bishops and abbots independent of the King.

The *Constitutions of Clarendon*, before Magna Charta, in Henry the Second's reign, show that the idea of the identity of the Church with the nation and its civil laws still existed; and, later on, the Statutes of Provisors and Præmunire were a distinct declaration that the Pope held no political sway through the English Church over the English people. These statutes declared the claim of the Pope to appoint clergy to English parishes or bishoprics to be illegal; and forbade any one to introduce papal decrees into this country on pain of forfeiting the whole of his property and banishment from the realm.

Whatever differences of opinion existed at the time of the Reformation in regard to the doctrine and ceremonies of the Church, the nation was with the King when Henry VIII. asserted the supremacy

of the Sovereign as head of the National Church, and dissolved all ecclesiastical connection between it and the see of Rome.

The spread of the teaching of the Reformers among the people demanded corresponding changes in the religious doctrines and services of the Church; but these changes were only a new stage in the growth and development of the same national institution—not the establishment of a new church. The organisation of the body remained the same as in the early tribal times. "As a matter of law and history, however it may be as a matter of theology, the Church of England after the Reformation is the same body as the Church of England before the Reformation. No act was done by which legal and historical continuity was broken. Any lawyer knows that though Pole succeeded Cranmer, and Parker succeeded Pole, yet nothing was done to break the uninterrupted succession of the Archbishopric of Canterbury as a corporation sole in the eye of the law. The general taking from one religious body and giving to another, which many people fancy took place under Henry VIII. or Elizabeth, simply never happened at all."[1]

But although the English Church had in it that element of growth and elasticity which characterises all English institutions, it was no longer possible for it to be, as at first, identical with the whole of the English nation. The new freedom of thought and the religious earnestness aroused by the Reformation were followed by a sense of individual responsibility resting on each man in regard to matters of religion; and the oneness of religious faith and

[1] Freeman.

worship could no longer be maintained. There were Englishmen who clung to the older doctrines and ceremonies, others who desired sweeping reforms; and the Church henceforward could only represent the majority of the nation. Short-sighted attempts were made under the Tudors and Stuarts to coerce the minority, but these failing, the general principle was at length fully recognised that every Englishman has a right to provide for himself the religious teaching and form of service that his conscience most approves; and thus there have grown up outside of the National Church the different bodies of Nonconformists to its doctrines and services, although, as already said, every Englishman who chooses is entitled as his birthright to a share in the ministrations of the Church.

In the time of the first Stuarts, the Church, under the influence of Laud, its Primate, became closely allied with the attempts of James and Charles I. to establish a personal rule in England. In the struggle that followed, when the people fought for their ancient political rights, the Church, alienated from the nation, fell with the unconstitutional monarchy to which it had lent its support. With the re-establishment of the throne, the Church was reinstated in its ancient position and privileges.

In early times different service-books were used in different dioceses, and there was no one book of "Common Prayer." With one faith and ritual these books were so far in harmony that, though the prayers were not necessarily the same, there was no real fundamental variety. But with the Reformation, when some of the clergy clung to the old forms, while others wished to intro-

Book of Common Prayer.

duce changes of their own, it became necessary to have one authorised service-book, which should be used in every parish church. This was first compiled in the reign of Edward VI., and the use of it was enforced by the first Act of Uniformity. These Acts, which follow each revision of the Book of Common Prayer, enjoin on all clergy a uniformity of liturgy, and are distinct from other Acts which attempted to enforce uniformity of religion among the laity.

In the reign of Queen Elizabeth a new service-book was compiled, which was in most respects a revision of that of Edward VI. The same principles also guided the compilers in its preparation, in the endeavour to consult the feelings of those who still loved the services of old times, and to provide also such reforms as might meet the changes which had taken place in doctrine. It was hoped that in this way the greater part of the nation might continue to join in the public worship of the National Church. A second Act of Uniformity enforced the use of this book. The third and last revision of the Book of Common Prayer was made after the Restoration in 1661, and this again necessitated the passing of another Act of Uniformity, in order to make the general use of the same form of services binding on all the clergy of the Church. To this Act of Uniformity a manuscript copy of the last revision of the Book of Common Prayer was annexed, so that the book now in use is a part of the statute law of England, and only by an Act of Parliament therefore can any alterations be made in it. Printed copies, sealed with the great Seal of England, are also preserved in each of the courts of law, the Tower, Westminster Hall, and in the cathedrals and college

chapels. The thirty-nine articles are not included in the "Sealed Books." They were drawn up in the reign of Elizabeth as a declaration of the faith of the reformed Church of England, and subscription to them is compulsory on all clergy.

Special services which were designed only for temporary use, such as the form of thanksgiving for the deliverance from Gunpowder Plot, the service for the 31st of January when Charles I. was beheaded, and the thanksgiving for the Restoration, are not in the Sealed Books, so that no Act of Parliament was required to remove these from the Book of Common Prayer, but only an order of the Queen in Council. The Sovereign can also authorise the introduction of special prayers or thanksgivings at any time of national distress or prosperity, and the change of names in prayers for the Royal Family.

Government of the Church.

The King as head of the nation is the head of the National Church; it is necessary, therefore, that the Sovereign should be a member of it. He has the right of summoning and dissolving Convocation. He appoints archbishops, bishops, and deans to their offices, and final appeals from the ecclesiastical courts must be made to the King in Council, *i.e.* the Judicial Committee of the Privy Council.

The legislation of Parliament in Church matters must be understood as the nation ruling through its representatives a national institution, although some of those representatives may themselves be attached to religious bodies outside of the Church.

Besides the national legislation represented by the King and Parliament, the Church has also an assembly of its own called Convocation, and courts

of its own for the settlement of ecclesiastical affairs. Convocation is an ecclesiastical Parliament summoned in each Province by the archbishops under the command of the King. It consists of an Upper and Lower House; in the former sit the bishops, and in the latter deans, archdeacons, and delegates chosen by the parochial clergy and chapters of cathedrals. The Upper House is presided over by the Archbishop, the Lower elect their own *prolocutor* or speaker. As in Parliament, every Act of Convocation must pass both Houses, and receive the Royal sanction, before it can become binding on the clergy. No Act of Convocation can have any rule over the laity in the Church, but its proceedings relate to the clergy alone. The Book of Common Prayer being statute law, does not come within its jurisdiction; and all its decisions must be in conformity with the laws of England. The ecclesiastical courts are the Archbishop's Court and the Bishop's Court, and from these appeals can be carried to the Judicial Committee of the Privy Council. The Archbishop's Court in the province of Canterbury is known as the Court of Arches, because it was anciently held in the church of St. Mary-le-Bow (Sancta Maria de Arcubus). In the province of York it is called the Chancery Court of York. The judge is called Dean of the Arches, is chosen by the archbishops, and must be either a judge of the High Court of Justice, or a barrister of ten years' standing, who is a member of the National Church. The Bishops' Court is also called the Diocesan Court. The bishop does not now himself preside, but chooses a judge who must be a Master of Arts or a Bachelor of Laws. He

Convocation.

Ecclesiastical Courts.

is called the Chancellor of the Diocese, or the Bishop's Ordinary. Appeal can be made from the Bishops' Court to the Court of Arches. These courts have no authority over the laity, but take cognisance only of offences on the part of the clergy, or of matters concerning churches or ritual.

The organisation of the English Church remains the same as that established in the earliest times of its history, with the exception that the Sovereign of England, instead of the Bishop of Rome, is now its head. There are three orders recognised in its clergy—bishop, priest, and deacon. When a layman takes "holy orders" he must be at least twenty-three years of age, and be able to show testimony of learning and character. He is first ordained a deacon by the laying on of the hands of a bishop. At the end of a year he is admitted in the same way to priest's orders. A bishop must be at least thirty years of age. He is "consecrated," or set apart to his office, by the archbishop or some other bishop. The choice of a new bishop rests with the Sovereign; but, as it was formerly the privilege of the dean and chapter of a cathedral to elect their bishop, the custom still remains of sending to them a *congé d'élire*, or permission, from the Sovereign to elect him. The name of the person to be elected is, however, sent with the permission, and the dean and chapter are bound by the Act of Præmunire to obey the directions of the Crown. In the new sees this form is dispensed with.

The Organisation of the Church.

There are two archbishops and thirty-eight bishops, twenty-four of which are spiritual peers. Of these bishops thirty-three belong to England, four to Wales,

and one to the Isle of Man. They have each of them the charge of a diocese, and where this is large and populous they are assisted by suffragan, or helping, bishops; and every diocese has also archdeacons, who take part in the supervision of the clergy.

We have spoken of the dean and chapter of the cathedral. The members of it are called canons, and the head the dean, who is responsible for the care of the cathedral. The whole number of clergy in the Church in England and Wales is about 23,000.

The Church of England, as already noticed, is not paid, like the army and navy, by money voted from the revenue raised directly by taxation. Each beneficed clergyman derives his income from property given by private individuals for the special endowment of the particular see or parish which he holds. The dean and canons, forming the chapter of each cathedral, receive incomes from property left for the endowment of that special cathedral; and each chapter holds its property as a separate corporation. There is no general endowment fund possessed by the Church as a national institution. The fact of each parish having been presented at different times, and by different individuals, with property for the support of its rector or vicar, accounts for the income attached to one parish being often much larger than the income belonging to another.

Church Property and Incomes of the Clergy.

There is, however, a council or committee, called the Ecclesiastical Commission, which was formed in 1836, and which has control over a certain portion of Church property. It consists of the archbishops, all the bishops, the deans of Canterbury, Westminster, and St. Paul's,

Ecclesiastical Commission.

with the two Chief Justices, the Chief Baron, the Master of the Rolls, the judge of the Admiralty Court, and four other laymen. This Commission has the power, in cases where the incomes of sees have increased beyond a fixed sum, or where there has arisen an accumulation of wealth attached to cathedrals, to divert a portion of this property into a "Common Fund," and from this fund to endow new parishes in largely-populated districts, or to increase the stipend in a poorly-endowed parish.

Curates are generally paid out of the incomes of the clergy, who engage them as assistants in their work. Besides the parish endowment, a parish clergyman is also entitled to what are called *tithes*. This is the tenth part of the yearly *increase* from the land in his parish. Mineral wealth, though taken from the land, is not subject to tithes, because it is not the fruit of the land. The idea of this payment to the clergy is derived from the directions in the laws of Moses in regard to the provision made for the Jewish priesthood: "All the tithe of the land, whether of the *seed* of the land, or of the *fruit* of the land, is the Lord's." The distinction between the tithe of the agricultural crops and the tithe of fruit is the difference between "greater" and "lesser tithes." When a clergyman receives both, he is the rector of the parish; if he is entitled only to the lesser, he is the vicar. Many of the monasteries and abbeys in England held livings in their gift, and received the tithes of these parishes. They kept the greater themselves, and, appointing a vicar, or *substitute*, to do the work of the parish, allowed him to receive the lesser tithes. At the time of the suppression of

Assistant Curates.

Tithes.

the monasteries, when their lands were granted to private persons, or appropriated to other purposes, the new owners kept for themselves the greater tithes, as the monasteries had done, and the parish priest still received only the lesser tithes. This is the reason why we now find the parishes in the neighbourhood of the old abbeys are still vicarages. Thus all the clergy in the town of Reading are vicars and not rectors.

The monasteries themselves did not pay tithes on the increase of their lands; and what have been abbey lands are still exempt from tithes, though held by secular owners.

We do not know when the payment of tithes in England was first instituted, but Canute ordered tithes to be paid under pain of punishment. In 1836 the Tithe Commutation Act was passed, by which the worth of the tithes was calculated in money, and made a fixed charge upon the land.

Seat rents have been made use of as a source of income in some parishes; but this charge for a seat in a parish church is directly contrary to the whole spirit of the National Church system, which is to provide free religious ministrations for every one who chooses to accept it.

Seat Rents.

NATIONAL EDUCATION.

In order to see how the present organisation of combined voluntary and State education has gradually grown up in this country, we shall have again to go back to the days when England was making, and briefly review our National Education in the past.

National Education in the Past.

From the earliest times we find schools for the people attached to every religious house in England; and as far back as the year 730 there were 600 pupils of different ages in Bede's school, connected with the Abbey at Jarrow. Every cathedral also had its school, through which many a labourer's son rose to rank in the Church; and Chaucer, writing in Edward the Third's reign, and representing the England of his day in the various portraits of the pilgrims riding to Canterbury, makes his "Parson" the brother of the "Ploughman." But the Church was everywhere the teacher; for in its ranks alone was the necessary ability and scholarship to be found, and the deeply-rooted feeling prevailed that religious instruction was necessary as the foundation of a training in moral and social duties. The education in these schools was only elementary; but it was commenced at an early age, and if a boy showed industry and ability the means were generally found of sending him to the university. Thus Hugh Latimer, the son of a small yeoman, was sent at four years of age to "one of the schools in the county of Leicester," in the reign of Henry VII., and being "prompt to learn, and of sharp wit, he was sent at the age of fourteen years to the University of Cambridge." The dissolution of the monasteries broke up these schools; and it was the desire of the best men of the time, such as Colet, More, and Cranmer, that the monastic schools might be endowed with some of the spoils of the abbeys and continue their work; but this was not done.

Grammar Schools.

After the Reformation *grammar schools* were more generally founded in many towns, which met the new demand for learning among the middle-class burgesses; but although the

original statutes of these schools generally stipulate that children of all ranks are to be admitted to the benefits of the education provided by the founders, yet before long the poor ceased to avail themselves of these.

In feudal times, when the monastic schools were in existence, skill in physical exercises and fame in chivalry were the distinguishing marks of a gentleman; but the revival of learning brought scholarship into fashion, and just as in former times chivalric pursuits were claimed as the exclusive distinction of the knightly class, so now education began to be held as a special privilege belonging only to social rank. Gentlemen might go to the Universities, the sons of burgesses to the grammar school; and as the former looked with jealousy on the intellectual aspirations of the latter, so the middle classes were reluctant to extend any large amount of education to the poor. In accordance with this principle certain "Charity Schools" were founded, the design of which was to give so much education to a certain number of poor children, that they might become subservient and useful servants of the middle or upper classes, while at the same time everything was done to repress intellectual aspiration and to remind them constantly of their subordinate social position. Later on the very limited influence of these schools in producing any real elevation of the poor in morals or intelligence is shown by the fact that while Bernard de Mandeville in 1716 denounces "the fashionable folly of the day, the establishment of Charity Schools," which, he says, "encumbered the world with useless and inelastic institutions, designed rather to glorify themselves

Charity Schools.

than to benefit society," we find the ignorance and brutality of the working classes reaching its lowest depths. "The vast increase of population which followed on the growth of towns and the development of manufactures had been met by no effort for their religious or educational improvement. Not a single new parish had been created, hardly one new church had been built. The rural peasantry, who were fast being reduced to pauperism by the abuse of the poor-laws, were left without moral or religious training of any sort. Within the towns things were worse. There was no effective police, and in great outbreaks the mob of London or Birmingham burnt houses, flung open prisons, and sacked and pillaged at their will. The criminal class gathered boldness and numbers in the face of ruthless laws which only testified to the terror of society—laws which made it a capital crime to cut down a cherry-tree, and which hung up twenty young thieves of a morning in front of Newgate, while the introduction of gin gave a new impetus to drunkenness. In the streets of London gin-shops invited every passer-by to get drunk for a penny or dead drunk for twopence."[1] Once again religious earnestness and the Christian sense of responsibility for the welfare of others were the means by which a brave attempt was started to provide education for the poor. In the last year of the seventeenth century the society for "Promoting Christian Knowledge" had been founded, and by its efforts schools for the poor were established in some parts of England. In 1782 Robert Raikes, a printer of Gloucester, opened the first Sunday School, and gradually every church and chapel in England had

Sunday Schools.

[1] Green's *Short History of the English People.*

its Sunday School, with its earnest, self-denying band of voluntary teachers. Reading, spelling, and in some places writing, were at first taught in these schools in addition to religious instruction, and this short hour of weekly education was all that many a child received to prepare it for the duties and work of life. In country villages small Dame Schools also were started, where some old woman, a little better taught than her neighbours, was paid by the charity of the clergyman or squire a small salary for teaching the children of the village.

The French Revolution gave a new impetus to the education of the poor. It took effect in two ways—the ideas of the brotherhood of humanity, of the right of all men to these means of development and elevation, which had been considered the exclusive privilege of a few, spread into England, and, agreeing in their spirit with the teachings of Christianity, gave new vigour to Christian efforts; while at the same time the terrors of the French Revolution roused the selfish and indifferent to the dangers of leaving large masses of the population to grow up in brutal ignorance.

At the close of the eighteenth century two great students of education, Joseph Lancaster and Andrew Bell, brought forward organised schemes, which, besides being founded on a better understanding of the science of teaching, showed how a large body of children might be taught by one master through the agency of monitors. Two important societies, raised and supported by voluntary contributions, were now formed for the establishment of schools to be worked on the new systems. These were the National Society, supported by the Church,

Bell and Lancaster.

and working on the lines of Bell; and the British and Foreign School Society, supported by the Dissenters and the Church, and following the plans of Lancaster. The religious difference between these was, that the National Society gave religious instruction from the Catechism and Prayer-book as well as the Bible, the British and Foreign School Society from the Bible only. It was through these two great agencies that the effort for the education of the poor in England was for some years maintained. In 1832 the first sum for education was voted by Parliament in the estimates of the revenue for that year. It was only £20,000, and was to be applied for the building of schools, one half of the cost of which had been met by voluntary contributions. Applications for grants from this money were only to be made through the National or the British and Foreign School Societies. In 1839 the vote was increased to £30,000, and it was then that the Educational Committee of the Privy Council was formed for the purpose of administering the grant and of appointing inspectors to see that the money was efficiently employed in fit and durable buildings. In 1843 a larger grant of £40,000 was made, which was also applicable for the building of training colleges, these being under the direction of the same two great societies. The joint action of religious bodies and the State in the elementary education of the poor was now fairly established, and voluntary efforts were in no way lessened by the Government aid. But there were two things which the two societies for education were not able to secure for themselves—one was reliable statistics as to the proportion of children still remaining uneducated; and

State Votes.

an examination of all the schools so as to fix a general adequate standard of education. A Parliamentary inquiry into the number of children attending schools showed that more than seventy out of every hundred children were either in no schools at all or attending those of no proved efficiency; while it had been also shown that the monitor system itself of Bell and Lancaster was failing to secure the real education of a large number of children in the National and British schools. Under this plan, children very little older than those they taught, and knowing very little more, took the classes, and the teaching was unintelligent and inaccurate. One half the children left school without having learned to read at all; in arithmetic about two in a hundred got as far as the Rule of Three. The ignorance and inefficiency of many of the masters and mistresses were also revealed. These facts led to another very important step in the advance of national education. The failure of the monitor system suggested a scheme of paid pupil-teachers or apprentices, and the inefficiency of the heads of the schools showed the necessity for securing the services of better educated and trained men and women at a higher rate of salary. Earnest and generous as the voluntary supporters of schools still were, the large double expense of establishing more schools to meet the necessities of the uneducated children, and of also providing an efficient staff for existing schools, caused too great a strain to be sustained by voluntary contributions. The State in 1846 for the first time came forward with a grant in aid of the maintenance of the staff of the school. In order to receive this help the teacher must hold a certificate of competency, and the pupil-teachers and the children must show

the results of efficient teaching under examination by a Government inspector. In a few years the demands for this grant rose to £160,000 a year, and 6000 pupil-teachers had been passed on from the schools to the training colleges, of which twenty-five had been established.

But notwithstanding the greater thoroughness of the education under the new system, a further Commission of Inquiry on Public Education, appointed in 1858, brought to light the facts that a large number of children were not sent by their parents to any schools, many others were attending little private schools where they were learning nothing, and of those who were pupils in the Government inspected schools the attendance was often so irregular that the education was little more than a name. The number of existing schools in large towns was not nearly sufficient to provide accommodation for the children which ought to be in them, and, at the same time, voluntary effort had somewhat exhausted itself in the support of these.

The absolute inability of voluntary private effort even to realise or to cope with so gigantic a demand was admitted by most parties, but great difficulties lay in the way of producing a scheme of public education that should in any way satisfy those who had so long borne the burden and heat of that day of toil since they first began to provide for the intellectual and religious instruction of the poor. The two societies had hitherto provided and supported the public elementary schools, and they also had established the training colleges for teachers, and there was a common feeling of distrust in schools established by the State to supply the deficiencies outside of these societies. The principle on which

voluntary schools had been founded had been that of the duty of every man to care for the needs of others; and the more a man felt this, combined also with a strong conviction of the truth and importance of his own religious opinions, the more anxious he was to support the voluntary school alone which taught these to the poor. Voluntary schools, being an expression of the concern of one class of the community for the needs of another, had done much to bring the rich into relation with the poor; and for these reasons the nation generally, and especially the religious communities, clung to the voluntary schools.

But the point of the struggle lay in this—the National Church claimed national education as a branch of the Church's work, which, when the Church and nation were one, would have been granted; but the great principle of the Nonconformists is, that no religion should be made a matter of compulsory payment, and therefore no definite Church teaching could be given in any but voluntary schools; and over these two ideas long discussions arose which delayed for some time the introduction of any State scheme. There were, however, three reasons which plainly showed it was impossible that voluntary schools could accomplish the enormous work of national education, so as to render it a really complete system. In the first place, they could only exist as isolated efforts in places where there were also a sufficient number of rich and well-disposed persons to support them; secondly, a large number of the population even in these places were, through selfishness or indifference, neglecting their share of the burden, and some means of compelling and equalising contributions was needed, such as by a tax or rate;

thirdly, some compulsory power was also necessary to make ignorant and selfish parents send their children to school, and allow them to attend regularly.

The leading principle of the great Education Act of 1870 was to supply the deficiencies in the voluntary system, so as to complete a comprehensive scheme of national education, leaving all efficient voluntary schools free and unfettered to work on as before. Act of 1870.

The whole of England and Wales was to be divided into school districts. In every place where the voluntary schools had already supplied sufficient accommodation for the children of that district in efficient schools, the Act took no effect. But in all places where they failed to do this, a School Board was to be elected by the ratepayers, endowed with the necessary power of raising a compulsory rate sufficient for the educational demands of that district or borough, and also of putting in action a regulation compelling all children between the ages of five and thirteen to attend some efficient school. Subsequently the limit of compulsory attendance was raised to fourteen years.

The first act of the School Board was to find out what schools, public or private, could be pronounced "efficient." All the voluntary schools already under Government inspection were at once placed on the list, but the management of these schools remained as before in the hands of their committees. Every parent in the town was then compelled, on pain of a summons before the magistrates, to send his children to some one of these efficient schools; he was quite free to choose any that he pleased.

The second part of the work of the School Board was the foundation of new schools. These were to

be Board schools. They were under the management of the School Board, and supported by a compulsory rate paid by the ratepayers of the town.

No additional Board schools could, however, be built at the pleasure of the Board. If the Board school was full, and there was accommodation in the other voluntary schools, the Board had no power to found another.

Having thus briefly shown why the School Boards were established, we must now see what have been some of the results of the Education Act of 1870 in coping with the masses of the population which were growing up in ignorance. In 1870 accommodation was only provided for about 8 out of every 100 of the population, whereas now the proportion is more than 20 in every 100. This means that in 1915 there were 21,547 elementary schools inspected, with room for 7,039,606 scholars and an average daily attendance of 5,355,121. In 1869, the whole number of inspected schools was 8592. The annual Parliamentary grant during this time has risen from £840,711 to £11,761,036. The whole number of certificated teachers engaged in inspected schools at the time of the passing of the Act was 12,027; in 1914 these amounted to 108,732; and all were working at increased salaries, with in many cases a residence provided for them. It must be remembered that the War has made great changes in these statistics. Thousands of teachers have joined the colours and it has not been possible to fill their places adequately. Many schools throughout the country have at one time or another been occupied for military purposes; the number so used in the first year of the War being

Some Results of Act of 1870.

no less than 1023. Lastly, a disturbing factor has been the influx of large numbers of munition workers with their families into districts which were quite unprepared to grapple with the problem of educating their children. The scarcity of labour has also had its effect, as many children have been excused from school on that account, more particularly in agricultural districts.

The Education Act of 1870 has been supplemented from time to time by other Acts, revising or modifying the original Statute. The result of these was to improve the practical working of the Education Act of 1870, and to give enlarged powers for compelling the attendance of children at some efficient school. A great deal of attention has also been paid in recent years to technical training, intended to fit young people for the work of life after they have left school.

In the year 1891 a very important measure was passed, by which free education may be given to children between the ages of three and fourteen in any public elementary school in England and Wales, the managers of which are willing to receive it, and where as a rule the average rate of fees for each child does not exceed 10s. a year. It also provides for aid, in supplying additional accommodation, if free education should cause an increase in the attendance. In 1899 an Act was passed creating a Board of Education to take charge of all matters connected with education, primary, secondary, and technical.

In 1902 a new Education Act was passed in Parliament and came into force the following year. Under this Act, School Boards, school attendance committees, and technical instruction committees

were abolished, and in their place were formed councils of counties, of county boroughs, of non-county boroughs with a population of over 10,000, and of urban districts with a population of over 20,000. Thus the councils of every county and every county borough became the local education authorities, and were given far greater powers than the recent School Boards.

The Education Act of 1902.

The cost of all elementary education is now paid out of the rates, and the Government continues its existing grant, and provides a further grant of £1,300,000 a year. With regard to the provision of secondary education, the rates used for this purpose in the administrative counties may not exceed 2d. in the £, and 1d. in the £ in the non-county boroughs; but in the county boroughs the amount is not limited by the Act.

There are now two kinds of public elementary schools in England and Wales, the County and Borough schools and the Voluntary schools; the former have four managers appointed by the Council and two appointed by the borough, district, etc. Education—both religious and secular—is controlled by the Councils.

The Voluntary schools, under the new Act, have four "foundation" managers and two managers appointed by the local education authorities. The managers have entire control of religious instruction in these schools and the appointment of the teachers.

Statistics of the increase in the number of schools since the passing of the Education Act of 1870 have been given on a previous page and help to illustrate the progress of our National Education during the past thirty-five years.

According to the Act of 1902 when notice is given of a new school—either voluntary or council—ten ratepayers or the managers of any existing school may appeal to the Board of Education against it, and the Board will decide whether it is necessary or not. A school that has an average of not less than thirty pupils is not to be considered unnecessary.

In addition to the great increase in the number of schools all over England since 1870, there has also been an improvement in the character of the schools. The buildings are well ventilated, well warmed, and lofty, and in accordance with the rules laid down by the Board of Education, the floor space for senior departments must have a measurement of 10 square feet for each child, and 9 square feet for infants. The site of a school for 1000 children must measure 4000 square yards, and large playgrounds must be provided. In many schools central halls have been built for recreation or for drill and other exercises. Improved methods of instruction have been introduced, and there has been a considerable extension in the number of subjects taught. Further reforms were introduced in 1906 and 1907 when provisions were made for the feeding of necessitous children and for the medical inspection of all children in elementary schools.

The advance thus made in elementary education led to the formation of higher-grade schools, where a more special education than that of the elementary schools is provided.

The chief aim of the Education Act of 1902 was to endeavour to improve the organisation and supply of secondary education; and now that the Act has placed both elementary and advanced education

under the control of properly constituted local authorities, it will be seen that another important step has been taken towards the co-ordination of the various grades of education, by which means an intelligent scholar may pass from the elementary schools up to the higher branches of education, and even win his way to the universities.

In 1903 the Education Bill was made complete by the passing of the London Education Act, and by which the whole of London was placed under one educational authority. This Act came into force in April 1904.

LOCAL GOVERNMENT.

Besides those affairs in which the interests of the whole nation are concerned, there are a variety of matters requiring also legislation and public money, but which relate only to the wellbeing of the inhabitants in particular localities.

It is specially characteristic of the English people that from the earliest times they have always been keenly alive to a sense of individual responsibility for the order and public good of the neighbourhood in which they live; and this, combined with the equally characteristic spirit of independence and self-help, has led to various vigorous efforts in different divisions, or districts, for securing the protection and wellbeing of all residing in them. The part which every Englishman thus takes in the local government of his town, county, or parish is a very important element in that training which has enabled the English nation to become the colonisers of the earth and the rulers of other races.

As no general scheme of legislation or taxation was ever formed at any one time for the carrying on of local affairs, but each neighbourhood has been the judge of its own needs and the best ways of meeting them, it naturally follows that there is considerable variety in the powers given to local authorities and in their enactments, so that Lord Goschen has said, "There is no labyrinth so intricate as the chaos of our local laws." It will be therefore impossible to give in a short space any detailed account of our local institutions; but we can only take up certain leading points in which different local governments coincide. These are—

1. The general principles on which they are carried on.
2. The subjects of their legislation.
3. The divisions which form areas of local government.

The first principle from which all local government springs is, as we have already seen, the sense of the individual responsibility of every man for the order and wellbeing of his own neighbourhood. This was clearly recognised in the local institutions of our forefathers, when they first settled in this country. In accordance with this principle every freeholder in a township[1] was entitled to take part in the assembly of the township, which made the laws for its government, and administered local affairs; and every township was represented in the assemblies of the hundred and the shire. The principle of representation became thus established in local government,

[1] So called from the tun or hedge enclosing the group of farms and cottages.

and nearly all local authorities are elected by the votes of their fellows.

The subjects of local legislation may be roughly classed under three heads:—

I. Those relating to the care of the poor.

II. Those relating to the health of the district, and to the care of the streets and roads.

III. Those relating to public peace and order.

England is divided for the purposes of local government into certain geographical areas, within which the authority ruling that district is limited. These are—

1. The County, or Shire.—The first name is the Norman equivalent for the older English word, which signified a "share" or division. The local government of the shire was in early English times of considerable importance in the general management of the affairs of the county; the folk-moot having all the elements of a local Parliament, and the county court the judicial powers of a court of justice. These earlier institutions are now represented (but with much reduced powers) by the county council and the sessions. At present the authorities of the county are (I.) the Lord-Lieutenant, who is appointed by the Crown. He is at the head of the Justices of the Peace, and recommends fit persons for this office; he is also the *custos rotulorum*, or keeper of the county records. (II.) The Sheriff, or Shire-*reeve* (A.S. *gerefa*, a governor). He is also an officer of the Crown. His principal duties are to act as "returning officer" at county elections, to attend the judges when they come on circuit, and to summon juries. (III.) The County Council. In 1888 the "Local Government Act" was passed, giving authority to each county to elect

a council for the general management and direction of the business of that county. The chief powers of the County Council are (1) the making and levying of all county rates; (2) the keeping in repair of country roads, bridges, shire halls, and police stations, etc.; (3) the granting of licenses for houses, or halls for public dancing, music, or play-acting; (4) the care of county lunatic asylums; (5) the appointment of coroners; (6) the promotion of sanitary arrangements in the county, and the appointment, if necessary, of additional officers of health. (IV.) The Justices of the Peace. They try prisoners for lesser offences at the "Sessions." Many of the duties of the Justices of the Peace were transferred by the local government of 1888 to the County Councils. (V.) The Coroner. The duty of Coroner is to inquire the cause of any death, when this is unknown; in this inquiry he is assisted by a jury of at least twelve men.

2. The Borough.—The borough is one of those growths from quite early times, the history of which is long and intricate. The "burh" was the castle and surrounding buildings of a great noble, within which gathered the craftsmen who supplied him with manufactured articles, and the tradesmen who collected from other places goods which he required. By degrees these persons formed a body more independent of the noble, who was their principal employer and customer, and in times of his necessity they gave him sums of money in return for charters, which he obtained for them, granting them various privileges. These differed in different towns, so that the history of one borough is not that of all, but the tendency of all was the same, viz. that

of local self-government. This in every municipal borough is carried on by a body of men elected by their fellow-burgesses or townsmen, which is called the "Town Council." It consists of the mayor, aldermen, and councillors. If a borough is important enough to be called a city, the burgesses are citizens, and the mayor, aldermen, and burgesses or citizens form a "*corporation*." The mayor and aldermen are elected by the Town Council on the 9th of each November. The Town Council directs and manages the borough police, and, if there is no special Board of Health, the holding of markets, the cleaning and lighting of the town, the proper supply of water, the building or repair of public buildings, and the removal of nuisances and insanitary matters. For the cost of all these things it has power to impose rates on householders in the borough, according to the amount of money required. Having been elected by the free votes of the burgesses, or householders, the town taxes itself, like the nation, for the cost of its good order, health, and public works.

3. The Parish.—The parish, as we have already seen, was originally the district surrounding a church, and within which the ministration of the clergyman attached to that church was limited. The Local Government Act of 1894 established Parish Councils, and also Urban District and Rural District Councils. These latter have a good deal of authority in local matters, but the Parish Council has more limited powers. It can appoint Overseers of the Poor, repair footpaths, manage recreation grounds and allotments, and control parochial charities, and also, in some, attend to the light-

ing of the streets, and see that there is sufficient provision of elementary school accommodation, public baths and libraries and burial grounds.

A "*Union*" of two or more parishes is often formed for poor-law purposes; and there are besides *sanitary districts*, *school districts*, *highway* and *burial* areas formed for the carrying out of local government in these things. We will now endeavour to understand a little of how the three leading subjects of local government are provided for in these different areas, and we will begin with the care of the poor.

I. The charge of the poor has been regarded in England as a legal and religious duty from quite the earliest times. A law of the reign of Ethelred directs that a third part of the tenth of the produce of the land should be given to "God's poor," and the same Act enjoins on all men that they should "comfort and feed the poor." Later on the guilds, or companies of persons belonging to particular trades, made the care of the poor a part of their organisation. The religious houses also had a regular system of almsgiving, and land and other property were often left to these bodies for purposes of charity.

The care of the poor consists of three principal branches—

1. The maintenance of those unable to work.

2. The provision for the sick and afflicted in hospitals and lunatic asylums, and the supply of medical attendance and medicine to those needing it in their own homes.

3. The education of children whose parents cannot pay the whole cost of efficient instruction and training.

Throughout the sixteenth century there was a

great deal of distress among the poor in England. This arose from many causes, the principal of which were (1) the dissolution of the monasteries, by which the poor were deprived of the regular system of relief carried on by these houses, as well as of the funds from which it was derived; (2) the reduction in the large number of servants and retainers formerly employed in a feudal household; (3) the demand for English wool, which promoted the increase of sheep grazing instead of agricultural farming, and caused fewer labourers to be employed.

In 1551 the State directed that collections should be made at church on Sundays for the poor, and gave power to the Justices of the Peace to levy a tax on those who refused to contribute voluntarily; and in 1601 was passed the first Poor Law, which ordered the appointment of *overseers* of the poor in every parish, and the raising of a regular tax, or rate, for the relief of the poor. Both these Acts left the raising of the tax and the distribution of it to the local government of the *parish*. In 1696 the first *workhouse* was built at Bristol, and, as the name shows, was intended for the employment of paupers in remunerative labour.

In the reign of George I. an Act was passed giving power to parishes either singly, or in *unions* of two or more, to build workhouses for the poor, and the same Act enjoined that "No poor who refused to be lodged and kept in such houses should be entitled to ask or receive parochial relief."

A reform of the Act of Queen Elizabeth and of many abuses connected with it, was carried through Parliament in 1834, and became the present Poor Law Amendment Act.

The administration of the Poor Law is now in the hands of the following authorities:—

1. *The Local Government Board.*—This is composed of a President chosen by the King, and the following *ex-officio* members:—The Lord President of the Privy Council, the Lord Privy Seal, the Chancellor of the Exchequer, and the five principal Secretaries of State. This Board has the supervision of all local government, and of the working of the laws relating to the subjects of it.

2. *The Inspectors.*—These have been called "the eyes and ears of the Board;" they inspect workhouses, investigate complaints, and report to the Board upon the administration of the local authorities. England is divided for this purpose into eleven districts, and each has its poor law inspector.

3. *The Board of Guardians.*—These are local authorities; they are elected by the votes of the ratepayers in the parish, and represent the parishioners, taxing themselves for the relief of the poor, and distributing the funds thus raised. They fix the sum to be raised from the parish or union, and they examine into every application for relief, decide in what manner it shall be given, and for how long a time. "Outdoor relief" consists chiefly of a weekly allowance to the sick or disabled, distributed by the "relieving officer" of the Board. It may be given in money or food. Besides this, medical aid is given by a medical man appointed by the Board to attend the sick poor of the district.

"Indoor relief" is given in workhouses—so called, because, as we have seen, the original idea was that they should be used for supplying their inmates with work; the workhouse has, however, now become

rather the home of those unable to work, and the name is therefore misleading.

The officers of a workhouse are the master, matron, chaplain, doctor, schoolmaster or schoolmistress, nurse, porter, and any other assistants that may be required.

Life in a workhouse is not designed to be so attractive as to induce persons to enter it rather than to struggle on in the poverty, but independence, of their own homes. The inmates are not allowed to go out of the house without the leave of the master, and to prevent this the porter guards the gate; they have to get up, to have their meals, to work or leave off work, and to go to bed at the ringing of a bell at fixed hours. Any breaking of rules involves punishment by solitary confinement or deprivation of food. Work that they are fit for they have to do without payment. The food consists of oatmeal porridge, milk, potatoes and other vegetables, with meat or broth on some days in the week. Aged persons are allowed tea and bread and butter instead of porridge. The sick are given the food ordered by the doctor.

One of the trials of workhouse life used to be the separation of the married poor into the wards for men or women, but this restriction has now been removed in the case of husband and wife when both are over the age of sixty. Perhaps the children are the greatest sufferers. Only quite young children are allowed to remain with their mothers. They are afterwards separated, and are instructed either in the workhouse school or in a neighbouring elementary school, or some unions combine and establish a district school. But although they may thus obtain instruction and industrial training, what the children most miss is the home love and life, the

drawing out of the affections in sympathy and self-denial. Efforts made to arrange for the placing of pauper children to board in the homes of labourers in the country have met with considerable success: this plan is known as the "boarding-out system."

There is in all workhouses a special ward called the "*Casual Ward*"; in this beggars and vagrants are received for one night only; they may enter at six in the evening in winter and at eight in summer, and may stay till eleven the next morning. They are given gruel and bread for supper and for breakfast.

The parish, as already said, provides medical relief for the sick poor; and lunatic asylums are also maintained by a county rate in each county for those who are mentally afflicted.

Hospitals for the sick are provided in each county, but these are largely supported by voluntary contributions and endowments.

The whole sum raised by county and borough rates for the care of the poor amounts to over seventeen millions a year; and it does not include the large amount subscribed and given away in private charity, or by public endowments.

The education of the poor is now under the control of the local education authorities; the councils of every county and every county borough taking the place of School Boards, school attendance committees, and technical instruction committees. The cost of education in the County Council schools and the Voluntary schools is now paid out of the rates, and assisted by Government grants.

The Education Acts of 1902–3 will be found more fully described in the section on National Education.

II. The health of the inhabitants in a locality is another very important subject of local government. The whole of England is divided into sanitary districts. If the sanitary district is a borough it is called an urban district, and the affairs of it are generally managed by the Town Council, but they may be carried on by a special Board also elected by the ratepayers, who here represent the inhabitants caring for the public health. The boundaries of the poor law unions constitute the areas of rural sanitary districts, and these are governed by the Guardians of the Poor. A Board employs a medical health officer, an inspector of nuisances, and a public vaccinator. All sanitary authorities have power to compel the removal of all insanitary matters, the stopping of obnoxious trades likely to be injurious to health. They also attend to the drainage, the supply of good water, the prevention of the spread of infectious disease, and they may establish cemeteries and make rules for preventing fires. All urban sanitary authorities may also undertake any public arrangements for the comfort and benefit of the inhabitants of the district, such as providing public walks and grounds, the putting up of public seats, the watering of roads, and keeping them in repair, etc.

Sanitary laws have been so much better understood of late years that most of the local legislation on these matters is of recent date; but our forefathers did not wholly neglect it, for we find that the town records of Stratford-on-Avon show that Shakespeare's father was fined twice for throwing unwholesome matters into the street, and for not keeping his gutter clean.

III. The third important subject of local govern-

ment is the keeping of peace and order. This is now done by the County and Borough Police. About half the cost of keeping up this force is paid from the National Treasury, and the other half is raised by county and borough rates. The county police is under the joint authority of the County Council and of the Justices of the Peace. They appoint the chief constable, subject to the approval of the Home Secretary. The borough police are under the direction of a certain number of the Town Councillors and the Mayor. The chief duties of the police are to keep watch against crime and disorder, to seek out and arrest offenders, and to see to the carrying out of county and borough laws and regulations.

Although the present system of police throughout the whole of England is of comparatively recent date, yet the sense of responsibility for the peace and good order of a neighbourhood was felt by its inhabitants from very early times. Every township was required to have its constable, and it was every man's duty to take this office in turn, and serve without any payment, although in certain cases one man might provide and himself pay a substitute. Later on, boroughs paid watchmen to keep guard in the evening and through the night in the streets; and persons are still living who can remember hearing the watchman calling the hour in the streets during the night, to show that he was not neglecting his duty.

Prisons were originally one of the matters ruled by local government. There were county and borough jails, which were maintained by county and borough rates, and these were managed by the Justices of the Peace and the borough authorities. There were also

prisons under the control of private persons, great nobles, and ecclesiastics. Thus, one of the prisons inspected by John Howard was under the control of the Bishop of Ely, and Lord Bristol claimed the appointing of the gaoler at Bury down till 1877. In that year the control of all prisons was transferred from local government to that of the Home Secretary; and the funds for their support have been supplied from the National Treasury, so that they are now maintained by the taxes instead of the rates. Uniformity of discipline, clothing, and diet is thus secured, and under the present system a great improvement has taken place in the condition and conduct of the prisoners, while such terrible evils as John Howard and Mrs. Fry discovered are no longer possible.

THE NATIONAL EMPIRE.

Relation of our National Institutions to the Empire.

It seems at first sight a strange fact that one-sixth of the surface of the earth should be under the protection and rule of one little island far away from the territories it governs, and that more than one-third of the races of the world should be trusting to this rule for their own peace and progress. But it is to our national institutions, such as we have just sketched, that we must look for the source of that singular vigour and power of growth which has enabled Englishmen to go forth into all lands and climates, to found new and flourishing colonies, and to establish order and freedom for other races than our own. There is, therefore, the closest connection

between our national institutions and our national empire; for just as those principles of independence, justice, and self-control, which our earliest forefathers brought into England, when they colonised it more than a thousand years ago, are the causes of England's present development and stability, so her children, trained at home in freedom and self-rule, have been able to go forth into the world, strong and self-reliant, to form new homes and bring up new families upon the same ancient principles,—not imitating all the forms of the highly civilised, wealthy, and long-established old family household, but with the same love of freedom and strong sense of law, forming new institutions adapted to different modes of life, and yet resting on the same sound foundations. And it is to the training we receive through our own national institutions also that the English race has been so wonderfully fitted, not only to govern its own family, but to become the guardian and teacher of other races who do not appear to have yet reached their manhood, and need, as it were, an orderly rule over them to enable them to cultivate their own intellectual strength, to receive the highest truth, and to learn for themselves the great lessons of moral self-control. This sketch of our national institutions cannot therefore be closed without glancing at their influence over that vast circle of colonies and dependencies of which England is the central point.

We speak of this circle as an empire, because it is the only word which expresses the rule over a number of different states; but we must always bear in mind that it is not the empire of an individual Sovereign, exercising personal rule, but the empire of a nation, represented

The National Empire.

in its constitutional forms of government. It is, in fact, the empire of our national institutions, including the Sovereign with the Royal perogatives; it is a real enlargement of the English state—a Greater Britain—owning the authority of the same supreme government at the centre. The story of how these distant countries and territories came under English colonisation and rule, and of their geographical position and productions, belong to other school-books and lessons. We must confine ourselves here to their relation only to our central government and national institutions.

From this point of view the Colonies may be divided into two classes—(1) Those which have Responsible Government, *i.e.* a Government responsible to the colonists themselves; and (2) Crown Colonies, or those governed by governors and councils appointed by the English Government, and responsible only to it. Responsible Government is only given in colonies having a large majority of white men, capable of undertaking the responsibility of their own government. The Sovereign of England is the head of this government, and is represented in the colony by a Governor, who is appointed by the English Cabinet, and holds his office during the pleasure of the Crown. He exercises most of the prerogatives of the Sovereign, excepting that he cannot declare war, nor is his assent sufficient for the passing of any more important bills which have been carried through the Legislature; but these have to be sent to the King.

The Colonies.

Responsible Colonies.

Associated with the Governor is an Executive Council, whose functions are the same as the Cabinet

in England, and the members of which hold office on the same tenure, viz. a majority in the Legislature. The larger colonies have a Representative Assembly, and an Upper House or Council, in both of which bills must pass in order to become laws. So that here we find the old home institutions with their principles of freedom and self-government again established in new countries. The elasticity which we also saw to be a characteristic of our national institutions is illustrated in a number of minor adaptations and developments in the different colonies possessing responsible government. These colonies are the Australasian, the Dominion of Canada, and Cape Colony.

The second class, Crown Colonies, includes the West Indies, the Eastern dependencies, and the rest of the African settlements. In these colonies there is a preponderance of natives, amounting in some cases to a majority of 90 to 99 per cent, and these have had no training in intelligence or self-restraint. For their own progress and development, as well as for the safety of the colonists, it is necessary that their governors and councils should be responsible, not to themselves, but to the English Government at home. These colonies are ruled by a Governor, an Executive Council, and a Legislative Council; but most matters are referred to the English Secretary of State for the Colonies, or, if of sufficient importance, to the decision of the Cabinet in England.

Crown Colonies.

The link between all the Colonial Governments and the central English Government is the Secretary for the Colonies, who is always a member of the Ministry. He is in constant correspondence with the

colonial governors upon the business of the Colonies; every question of difficulty is referred to him, and he receives telegrams acquainting him immediately with each turn of affairs, and communicates in reply the views of the Cabinet at home upon such matters. Almost the whole of colonial legislation passes through his hands, for every bill from the Colonies requiring the assent of the King comes to him, and it is his duty to advise the King upon it, so that he is responsible for its receiving or not the Royal assent, by which alone it can become law. We are thus, through our political institutions, closely bound together with the Colonies into one national empire.

The Colonial Secretary.

Our legislative system is not the only institution which has taken root in the Colonies; justice is also administered on the English system; and the chief legal appointments are made by the Government at home, while for the colonial courts the Judicial Committee of the Privy Council sitting in London is a court of supreme appeal. Where a colony has been acquired by conquest or treaty, as in the case of Canada proper, Malta, or the Cape Colony, the original laws have generally been made the foundation of judicial decisions, but in colonies founded by English settlers the old common law of England is still the basis on which cases are decided; although every colony has at the same time the power to alter its laws, with the consent of the Crown, and to make new ones. The transplanting of these branches of our system of judicature is thus another bond between the mother country and our colonies.

Colonial Courts.

But perhaps one of the deepest and most im-

portant is the union established by the extension of the National Church and other English religious bodies into the new homes of our English race, for no feelings are more lasting than those which are gathered round our first religious teaching, and no tie is stronger than that which binds together the members of the same religious communion in which our forefathers worshipped God, and learned to walk in the way of His commandments. We have seen how the National Church in our own country was founded by the liberality of benefactors to provide for the religious wants of the English nation. Something like this has been done for our colonies, and in "Greater Britain" there are ninety-one dioceses, superintended by as many bishops, with a body of over 5000 clergy, who are working in them.[1] This English institution is again one which not only helps to unite the different parts of our national empire, but is also associated with the progress and development of the English race abroad, as it has been at home. The good work and self-denying efforts of the colonial clergy, joined with the ministers and agents of the other religious bodies in England outside of the National Church, are among those means by which the English race has become the teacher and civiliser of races less enlightened and elevated.

The Churches in the Colonies.

The national empire includes more than the new homes which Englishmen have formed in other lands, where they have carried with them the old institutions. We see in the Crown Colonies how a very important part of the work which

India.

[1] This does not include missionary bishops and clergy working in countries not included in our national empire.

England has to do is to provide good government, justice, religion, and education for races of men who have not yet risen to their manhood-strength of reason, intelligence, and self-government, so that England is not only the mother of her grown-up colonial children, but the guardian and schoolmistress of others in the immaturity of childhood or undeveloped youth; and these she has to guard and care for, and to teach and train. The more we realise that our own past development is not for ourselves alone, but for the light and help of the world, the better shall we understand our position and responsibility in regard to that great country of India, which, during the last hundred and fifty years, has gradually come under English rule. The story of the settlements, treaties, and wars through which this has all come about belongs to English history; we need only notice here that at no time was there any fixed determination on the part of the English to take possession of India; but a series of events, during the course of which the English Government could only act as seemed best at the moment, has resulted in establishing English rule over India. The task of administering such a rule, and of substituting our own free institutions for the oppressive and enslaving tyrannies of native princes, has of course been attended with the greatest difficulties, and could not be at once perfectly accomplished. "For a small band of alien rulers to organise a government on disinterested principles has no parallel in history. Criticism may find many points of detail to censure in that government, but it is impossible not to admire its general policy, and the devotedness of those who conduct it."[1]

[1] J. S. Cotton's *Colonies and Dependencies*. English Citizen Series.

The King of England is the Emperor of India, but as a constitutional Sovereign he can only act in that capacity through a minister. This is the Secretary of State for India. He is assisted by a council which consists of not fewer than ten nor more than fourteen members. All of them have knowledge of India and experience in its affairs, and since 1907 two of the members have been natives of India. The chief power, however, rests with the Secretary of State for India, who is the adviser of the Crown, and may overrule the votes of the council. He is always a member of the Cabinet, and, as a Minister, is responsible to Parliament for all his acts, as well as for those which have the sanction of the Sovereign. The responsibility of the government of India rests in this way with the English nation represented in Parliament, so that our rule there is national rather than imperial. At the head of the government in India itself is the Viceroy, who represents the Sovereign. He is appointed always by the Prime Minister, as the other Ministers are; and he represents in India not a personal but a constitutional ruler; therefore he acts only through two councils, one of which is legislative, the other executive. Indian gentlemen sit on both these councils, with some English officials. Under these there is a complicated system of government carried out in different provinces, but only the local governments of Madras, Bombay, and Bengal have any legislative power.

Government of India.

The Indian Budget is brought into the English House of Commons every year and submitted to its approval, though the House does not go into committee upon it and discuss "ways and means." The

revenue amounts annually to about eighty millions of pounds; of this about twenty-one millions are raised by the land-tax, which is a share of the produce paid to the State according to the ancient custom in India, where land is not held in possession by private individuals, to whom the tenant has to pay rent. The remainder of the revenue is raised from the following sources:—Railways, Post-office, and Public Works, which are in the hands of the Government; the culture of and duty on opium; customs, excise, and some other taxes. The English nation is not enriched by the Indian revenue, nor does the King, as Emperor of India, receive any addition to his income from that country; but the revenue of India is expended in the cost of its own government, army, civil service, public education, railways, irrigation, and other public works.

Indian Revenue.

The system of English justice has been introduced into India, and a number of Indian gentlemen are now in practice at the Indian Bar. Calcutta, Madras, Bombay, and Allahabad have each a High Court presided over by a Chief Justice, and these are also Courts of Appeal. From these courts a last appeal can be made to the Judicial Committee of the Privy Council. A system of police has also been extensively carried out in India for the promotion of order and the suppression of crime. The present force numbers about 151,000 officers and men.

Indian Courts.

Grants for education are made out of the Indian revenue on much the same principle as in England, viz. that of encouraging rather than lessening voluntary efforts on the part of the people. The system of inspection and examination

Education in India.

is also carried out, as in our national education. The aid is extended to higher education as well as elementary, and many colleges and higher grade schools have been established. For many years the people of England have supplied voluntary funds for the support of mission schools and stations, where Christianity is taught.[1] These, as well as the salaries of bishops, clergy, ministers, missionaries, and teachers of religion, with the building of churches and chapels for Christian worship, are all undertaken at the voluntary expense of private individuals, by far the larger number of whom are living in England.

The question is sometimes asked, Of what use are India and the Colonies to us,—what are we the better for them? There are satisfactory answers to be given to this inquiry, but perhaps we shall be less anxious to seek for them if we take higher ground, and ask instead: Of what use are English freedom, law, justice, education, and religion to India and the Colonies? And the more we understand and value those national institutions which have given us these, the more ready we shall be bravely to undertake the responsibilities and duties of our national empire, the possession of which enables us to transplant our means of growth and development into other lands.

Relation of England to the Empire.

[1] The annual sum contributed in England for the support of missions in our national empire and other parts of the world is more than a million and a half sterling.

GLOSSARY OF HISTORICAL, LEGAL, AND ECCLESIASTICAL TERMS.

ALDERMAN. From A.S. *ealdor*, chief or elder. Under the principal Corporations Act one-third of a Town Council are elected by the councillors as aldermen. A councillor holds office for three years, but if elected as an alderman he keeps his place for six years, "and stability and continuity is thus given to the policy of the council" (*Local Government*, English Citizen Series).

APPEAL. Appeal is made when a case, decided in an inferior court, is carried into a higher court for a new trial.

BOROUGH. The "burh" was a fortified place, often the site of an old Roman camp. Towns grew up in such places, and walled towns began to be called *boroughs*. Bigger places, seats of bishoprics, etc., were called *cities*.

BURGESS. Any one paying the rates of a borough is a burgess, and has the right to vote in all borough elections.

CIVIL LIST. The claims on the revenue for the support of the Sovereign and his state and household—called "civil" in distinction from the military demands upon the revenue.

COPYHOLD. A tenure of land, the right to which is maintained by records, possessed by the lord of the manor, so that the tenant is said to hold "by *copy* of court roll at will of the lord and by custom of the manor." He has almost all the privileges of a freeholder, subject to certain payments.

CORONER. An officer, whose name is said to be derived from *a corond*, because he was originally appointed to look after the Crown interests by holding inquests. The office existed at least as early as the reign of Richard I. He is now elected by the part of the country or by the borough in which he is to

serve. His chief duty now is to inquire into the cause of any violent or sudden death.

Ealdorman. From A.S. *ealdor*, chief or elder. This officer was appointed by the king with the Witan to the government of one or more shires. The office was sometimes hereditary, especially in cases where it had been given to the descendant of a tribal king on the merging of his under-kingdom in the national monarchy.

Empanel. A roll of the names of men fit to serve as jurymen is called a *panel*. To empanel is to administer to a man the oath by which he is placed on a jury.

Exchequer. A division of the Norman Great Council, in which certain of the barons formed a board for dealing with matters concerning the revenue. It was organised by Roger of Salisbury in the reign of Henry I., but was further developed under Henry II. The name was derived from a checquered table used for making the frequent calculations required. Matters of law as well as of account were dealt with in the Exchequer. This court exists no longer.

Felo de se. A felon concerning himself—the verdict given by a coroner's jury in the case of a suicide.

Feudal. After the fall of the Roman Empire the Teutonic conquerors divided the conquered lands among their followers, and these employed the people of the land in cultivating their estates, and compelled them to pay dues and rent. The Teutons themselves held their estates of their own king or duke by military service.

Folk—Folk-Moot. Folk, the tribe. The folk-moot is identical with the later shire-moot, and existed as a folk-moot only in the tribal kingdoms. After the union of these the Witan or Council of the Wise Men, was the national assembly, and it was probably only on special legislative occasions that its meetings were attended by the people.

Franchise. Any special privilege or right—used now mostly of the right to vote for a representative in Parliament.

Freehold. Land held in the freest ownership that can be in England.

Hundred. A geographical division of a shire. The origin of the term in England is uncertain. It may have been the territory colonised by 120 warriors and their families. Stubbs suggests that the institution of the Hundred Court having been at the English Conquest "erected in every con-

venient district," the district over which each court held jurisdiction "would soon take the name of hundred."

Hustings. An assembly (*thing*) of householders. Borough courts were called hustings, and thence the name became applied to the assemblies at which borough and county representatives in Parliament were elected. It is also used as the name of the platform put up for the speakers and voters of such assemblies.

Judicature. The body of those persons who manage the administration of justice.

Legislature. The body of persons in whom rests the power of making or repealing laws.

Mayor. The president of a municipal council—Lat. *major*.

Moot or Mote. A meeting; the word contains the idea that the Assembly has *judicial* power. A.S. *mōtan*, to cite.

Parliament. The Great Council of the realm. The name is used as early as the reign of Henry III.

Prerogative. Exclusive privilege or right.

Prima Facie. *On the first view or appearance*—Lat. *Prima facie* evidence is that which at first sight appears to be testimony to the fact.

Recorder. A barrister who sits as judge in borough sessions.

Returning Officer. The person appointed to manage an election. In the counties the sheriff, and in boroughs the mayor, generally holds this office.

Sheriff. On the union of the tribal kingdoms a royal officer, called the shire-*reeve* (A.S. *gerefa*, a governor), was appointed over each shire. He was the royal steward, and later sat as the president of the shire-court.

Shire. From the A.S. *scír*, a share or division, a collection of hundreds, which in many cases represented an older tribal kingdom, as Devon, Sussex. Some shires were later administrative divisions, as Warwickshire, Oxfordshire.

Shire-Moot. Originally the assembly and judicial court of the tribal kingdom. After the union of the kingdoms the shire-moot continued its sittings as the county court, judging all criminal offences and civil cases, until Henry II. provided for the more independent administration of justice by the circuits of the king's judges throughout England.

Standing Army. A body of soldiers trained and paid by the government of the country, and kept constantly under arms

TENURE. The conditions upon which land is held.

TOWNSHIP. The hedged homestead of a farmer, with the huts of his labourers, was in early times called a *tun*. Such separate farm settlements gradually developed into villages *or* townships.

TRIBAL KINGDOMS. The separate kingdoms formed by the different Teutonic tribes which colonised England. The time when these tribal kingdoms existed used to be called by historians the Heptarchy, *i. e.* Seven-rule, but their number varied at different times, and was not necessarily limited to seven.

UNCTION. The anointing with oil, by which a sovereign is consecrated to his office.

WITAN. A.S. *witan*, Wise Men. The council of the king, composed of those who were considered to have the highest knowledge of political affairs. It consisted of the king's kinsmen, the archbishops and bishops, the chief officers of the royal household, the ealdormen of the shires, the abbots, and the king's chief tenants. It advised the king, carried on the administration, and prepared laws for the acceptance of the people.

THE END

Printed by R. & R. CLARK, LIMITED, *Edinburgh.*

Macmillan's Series of Primers.

SCIENCE.

Under the Joint Editorship of Professors HUXLEY, ROSCOE, and BALFOUR STEWART.

Pott 8vo. 1s. 3d. each.

Introductory. By T. H. HUXLEY, F.R.S.

Chemistry. By Sir H. E. ROSCOE, F.R.S. With Questions.

Physics. By B. STEWART, F.R.S. With Questions.

Physical Geography. By Sir ARCHIBALD GEIKIE, F.R.S. With Questions.

Geology. By Sir ARCHIBALD GEIKIE, F.R.S.

Physiology. By Sir M. FOSTER, M.D., F.R.S.

Astronomy. By Sir N. LOCKYER, F.R.S.

Botany. By Sir J. D. HOOKER, K.C.S.I., F.R.S.

Logic. By W. STANLEY JEVONS, F.R.S.

Political Economy. By W. S. JEVONS, F.R.S.

LITERATURE.

Edited by JOHN R. GREEN, M.A., LL.D.

Pott 8vo. 1s. 3d. each.

English Grammar. By Rev. R. MORRIS. Revised by H. BRADLEY, M.A.

English Grammar Exercises. By Rev. R. MORRIS and H. C. BOWEN.

Exercises on Morris's Primer of English Grammar. By J. WETHERELL, M.A.

English Composition. By Prof. NICHOL.

Questions and Exercises in English Composition. By Prof. NICHOL and W. S. M'CORMICK.

Philology. By J. PEILE, M.A.

English Literature. By Rev. STOPFORD BROOKE, M.A.

Children's Treasury of Lyrical Poetry. Selected by Prof. F. T. PALGRAVE. In Two Parts. 1s. each.

Chaucer. By A. W. POLLARD.

Shakspere. By Prof. DOWDEN.

Greek Literature. By Sir RICHARD JEBB.

Homer. By Right Hon. W. E. GLADSTONE.

Roman Literature. By Prof. A. S. WILKINS.

MACMILLAN AND CO., LTD., LONDON.

Macmillan's Series of Primers—*continued.*

HISTORY.

Edited by JOHN RICHARD GREEN, M.A., LL.D. Pott 8vo. 1s. 3d. each.

Europe. By E. A. FREEMAN, M.A.
Greece. By C. A. FYFFE, M.A.
Rome. By Bishop CREIGHTON.
Greek Antiquities. By Prof. MAHAFFY.
Roman Antiquities. By Prof. WILKINS.
Classical Geography. By H. F. TOZER.
France. By CHARLOTTE M. YONGE.
Geography. By Sir GEO. GROVE, D.C.L.
Indian History, Asiatic an European. By J. TALBO WHEELER.
Analysis of English History. b T. F. TOUT, M.A.
History of England. By A. BUCKLEY

VARIOUS.

Pott 8vo. Cloth. 1s. 3d. each.

BARNETT, E. A., and O'NEILL, H. C.—**Domestic Economy.**
BERNERS, J.—**First Lessons on Health.**
BETTANY, G. T.—**First Lessons in Practical Botany.**
BUCKLAND, ANNA.—**Our National Institutions.**
COLLIER, HON. JOHN.—**A Primer of Art.**
COUSINS, H. H.—**Chemistry of the Garden.**
DEAN, A.—**Vegetable Culture.**
FAYRER, SIR J.—**On Preservation of Health in India.**
FLAGG, A. T.—**A Primer of Navigation.**
FOSTER, SIR MICHAEL.—**Simple Lessons on Health for the Use of the Young.**
GASKOIN, MRS. HERMAN.—**Children's Treasury of Bible Stories.** Part I. Old Testament. II. New Testament. III. Three Apostles. 1s. 3d. each.
LAURIE, A. P.—**The Food of Plants.**
MACLEAR, REV. CANON.—**A Primer of Old Testament History.**
—— **A Primer of New Testament History.**
REYNOLDS, E. S.—**Primer of Hygiene.**
SOMERVILLE, W.—**Farm and Garden Insects.**
TANNER, HENRY.—**First Principles of Agriculture.**
TAYLOR, FRANKLIN.—**Primer of Pianoforte Playing.**
THORNTON, J.—**Primer of Book-keeping.**
——**Easy Exercises in Book-keeping.**
WRIGHT, MISS GUTHRIE.—**The School Cookery Book.**
WRIGHT, J.—**Primer of Horticulture.**
—— **Garden Flowers and Plants.**

MACMILLAN AND CO., LTD., LONDON.